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THOMAS COX

BY

HARVEY REID

THE STATE HISTORICAL SOCIETY OF IOWA

IOWA CITY IOWA 1909

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Measured by the careers of eminent men, Thomas Cox would not be classed among the great characters of his time. Nor does he occupy a conspicuous place in the history of Iowa. At the same time he was not unknown in the communities and Commonwealths in which he lived. He was an active, capable local leader, always identified with the social forces of the community whose movements he was often the most influential in directing.

History is not simply the biography of the conspicuously eminent men; it is more accurately defined as a record of the evolution of mankind. Indeed, the circumscribed and often inconspicuous careers of local leaders, builders of neighborhoods and communities, and even the simple lives of the nameless masses are important and in a sense essential factors in the process of hu-

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man evolution. And so, "as typical of the lives of the local leaders among the pioneers of the West and of Iowa the career of Thomas Cox is worthy of the consideration of thoughtful students of history."

BENJ. F. SHAMBAUGH

OFFICE OF THE SUPERINTENDENT AND EDITOR
THE STATE HISTORICAL SOCIETY OF IOWA
IOWA CITY

AUTHOR'S PREFACE

THE career of Thomas Cox was essentially that of a pioneer. Born in Kentucky before it was made a State, he became a resident of Illinois the same year in which that Commonwealth was organized as a separate Territory. He served as a member of the first legislature of the State of Illinois, campaigned as a soldier in the Wisconsin country when it was still a part of the Territory of Michigan, lived for a time in the original Territory of Wisconsin, and died in Iowa before the State was admitted into the Union.

It was in the early years of the Territorial period that Thomas Cox figured in the history of Iowa. He was a member of the first, the second, the third, the fifth, and the sixth of the Legislative Assemblies of the Territory. At each session in which he sat as a member of the House of Representatives he received votes for Speaker — to which office he was elected in the Third Legislative Assembly by acclamation. He received votes

for President in the first session of the Council in which he held a seat; and in the second he was elected to preside over that body, despite an adverse party majority.

The Governor and other officials, while Iowa was a Territory, were appointed by the President of the United States; so that, when the people of Jackson, Dubuque, Delaware, and Clayton counties elected Thomas Cox to the Territorial Council and that body made him their President, he became invested with the highest dignity, with the exception of that of Delegate to Congress, which could be given to any man by the suffrages of the people of the Territory.

In native ability and superior intelligence, in keen energy and forcefulness that defied opposition, in an imposing presence that compelled respect, in a winsome geniality and ready generosity that attracted love and esteem, in dauntless courage tried on battlefields, and in an inflexible devotion to law and order, Thomas Cox assumed a leadership that was unquestioned and unfaltering among the sturdy pioneers who came to conquer and settle the wildernesses of the West.

The memory and traditions of contemporary pioneers and their descendants, and

meager scraps of recorded history tell us that Thomas Cox stood over six feet tall, weighed about two hundred fifty pounds, was erect and portly, with black hair, piercing, dark blue eyes, and a florid complexion. He was an ardent sportsman and accomplished horseman, being accustomed when nearly sixty years old to vault into the saddle with his hands upon the horse's withers, without touching the stirrups.

Thomas Cox died in 1844 and was buried under a tall young hickory on his farm in Jackson County, Iowa. A few years later the surviving members of his family, true to the pioneer instinct, migrated to California. Sixty years passed; and when inquiries began to be made on behalf of the Old Settlers' Association of Jackson County it was with difficulty that the exact place of the interment of Thomas Cox was located. Nor was the task of gathering the details that make up the man's life story an easy one.

To have acquired the power that he displayed in later years and to have secured the respect and confidence that he commanded from his peers, it seemed evident to the writer that Thomas Cox must have had a previous history of experience in public af-

fairs and of contact with leaders of men. The deduction was justified by the facts. Repeated efforts finally resulted in locating an aged son and daughter and several grandchildren in California. Genealogical data were thus obtained — though incomplete in earlier details through the loss of books and letters which fell into the hands of robbers who destroyed a wagon that the emigrants were forced to abandon on one of the Nevada deserts of the California trail in 1849. Then, out of scraps and fragments of early western history leading from Kentucky through Illinois, Michigan, Wisconsin, and Iowa, the career outlined in the following pages was revealed.

Indispensable aid in tracing his public life came to the writer in many ways. Through Mr. Charles Aldrich (now deceased) the writer was given access to the *Journals* of the Legislative Assembly of the Territory of Iowa. Mr. Frank E. Stevens of Chicago very kindly loaned from his library a number of rare volumes relating to Illinois history. The fortune that gives us the personal recollections of that Nestor of Iowa historians, Dr. William Salter, seems almost providential. His unique experience

of having officiated in his sacred calling at the burial of Colonel Cox and again at the reburial and the dedication of a monument sixty-one years later is so rare as to be phenomenal.

Personal memories of Mr. N. B. Butterworth of Andrew, Mr. Anson H. Wilson of Maquoketa, Captain William A. Warren of Bellevue, and Dr. Theodore S. Parvin of Cedar Rapids, Iowa, have been of inestimable service. Dr. Benjamin F. Shambaugh's *History of the Constitutions of Iowa,* as well as his *Messages and Proclamations of the Governors of Iowa* and his *Iowa City: A Contribution to the Early History of Iowa,* has furnished much needed data on Iowa Territorial history; and his kindly aid in searching old documents has brought results of extraordinary value and interest. Dr. John C. Parish of The State Historical Society of Iowa has also effectively aided this research. The State Historical Society of Wisconsin, by direction of Dr. Reuben G. Thwaites, has generously supplied items not available elsewhere.

HARVEY REID

MAQUOKETA, IOWA

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I

Early Life

Meager details of the ancestry of Thomas Cox begin with the migration of his father Robert Cox, a Scotch-Irish Presbyterian, from Belfast, Ireland, to Virginia near the close of the Revolutionary War. Although a mere boy Robert Cox came to America alone, leaving in Ireland his widowed mother and an elder brother Thomas. The exact locality in Virginia in which he settled is unknown; but it was evidently where the story of George Rogers Clark and his compeers in Kentucky was well known, for he soon followed in the train of emigration setting into the "dark and bloody ground."[1]

Preceding him to Kentucky was a Virginian by the name of Robinson, whose wife was the daughter of a wealthy Virginia planter by the name of Dougherty. Thrown into contact by the common perils and labors of the wilderness, Robert Cox met and fell in love with and married little Jane Robin-

son, a blonde beauty of the family. Their home shortly after the marriage was in Daniel Boone's fort on the Kentucky River. We are not informed just when their marriage took place; nor do we have the exact date of the birth of their oldest son Thomas — except that it was in 1787,[2] the year made memorable by the framing of the Constitution of the United States and the adoption of the Ordinance for the Government of the Northwest Territory.

In the troublous conflicts with the Indians, in which Kentucky pioneers had to defend their homes, Robert Cox bore the part of a soldier; and he served with General Anthony Wayne when that sturdy fighter broke the power of the Indian tribes north of the Ohio in 1794. But of any further history of the family while Thomas Cox was growing into young manhood, tradition is silent and records are wanting. That he learned to ride a horse skillfully and shoot a rifle accurately, his future life testifies. And he certainly acquired a good English education, with sufficient knowledge of mathematics to pursue with success the profession of surveying.

Nor is it known in just what part of Ken-

tucky the formative years of Thomas Cox were spent. His father was an agriculturist and owned slaves; for he gave Thomas upon his marriage in Illinois slaves and a number of milch cows.[3]

Early in the year 1809 Congress made a division of Indiana Territory—under which name the western portion of the Old Northwest Territory had been known since the admission of Ohio as a State — by forming a new Indiana Territory with the boundaries now existing for the State of that name. This left the vast tract of wilderness, extending from the Wabash River and lakes Michigan and Superior on one side to the Mississippi River on the other, to be provided with a government. It was constituted Illinois Territory,[4] and comprised the present States of Illinois and Wisconsin, as well as a part of Minnesota and the Upper Peninsula of Michigan.

White settlements were almost entirely confined to the southern end of the Illinois Territory, the only ones north of a line drawn east from the mouth of the Illinois River being a few French trading posts at Piorias [Peoria], Prairie du Chien, Green Bay, and Milwaukee, and a United States

garrison at Fort Dearborn. There were only two counties in the Territory — Randolph, which was south of a straight east and west line from the Mississippi to the Wabash, of which the north boundary of the present county of Randolph forms a part, and St. Clair, which constituted all the remainder of the Territory. Kaskaskia was the county seat of Randolph County, and Cahokia that of St. Clair.

The first appointment made by President Madison to a position in the government of the new Territory was that of Secretary in the person of Nathaniel Pope, a native of Kentucky, who at the time was pursuing his profession as a lawyer at Ste. Genevieve, Missouri. This appointment was made under date of March 7, 1809; and Mr. Pope took the oath of office before a judge of Louisiana Territory and entered upon the duties of his office on April 25th of the same year.[5] He thus became Acting Governor of Illinois Territory until the arrival of the Governor, Mr. Ninian Edwards, a native of Maryland who had removed to Kentucky in 1795 and who had become prominent in law and politics.[6] His commission as Governor of Illinois Territory bore the date of April

24, 1809, and he arrived at Kaskaskia to assume charge of the office on June 11th.[7]

In the year 1809, or very early in 1810, Robert Cox and his family (including his son Thomas who was then past his majority) also became residents of Kaskaskia — the ancient capital of Illinois, situated near the mouth of the Kaskaskia River and only seven miles from the Mississippi. It had been made a French Mission and had received a small colony of priests and trappers about 1690. Recognized as the seat of government for the Illinois country under the French and English occupation, it was the scene of the notable exploit of George Rogers Clark in 1778 when he won the Northwest for the patriots of the Revolution. Cahokia and Prairie du Rocher were other French settlements of the same period on the east side of the Mississippi, while St. Louis and Ste. Genevieve were located on the west bank. The latter was directly opposite and less than ten miles from Kaskaskia.

Robert Cox was appointed Justice of the Peace of Randolph County (an important office at that time) on April 19, 1814;[8] and still earlier Thomas, then a young man of twenty-three, entered into political life by

receiving an appointment to a position in the office of the Sheriff of Randolph County. Here he assisted in taking the Federal census of 1810; and for a part of the extensive county he collected taxes, which, according to the custom of the times, were paid in fur peltries.[9]

In *The Edwards Papers* is contained a "petition of the free male inhabitants of that part of the County of Randolph which lies east of Big Muddy", dated June, 1812, asking for a division of the County of Randolph by erecting a new county or counties out of its eastern portion, and also asking that the people be allowed to vote for representatives to form a Territorial legislature.[10] This petition bears the names of both Robert and Thomas Cox, which would indicate that their home had been made to the east of the Big Muddy River, a tributary of the Mississippi flowing thirty to forty miles southeast of Kaskaskia.

II

A Soldier in the War of 1812

Upon his arrival in the Illinois Territory, Governor Edwards found that the savage tribes, who occupied the major portion of the country over which his jurisdiction extended, were in a state of unrest and discontent, seriously threatening the safety of the white settlers. The trading posts in the Northwest, ceded to the United States at the close of the Revolutionary War,[11] were not actually given up by the British until 1796. In the meantime the English traders had insinuated into the minds of the Indians, with whom they came in contact, a distrust of Americans; and even after the cession they labored to keep up such feelings with the object of maintaining trade relations with the Indians through Canada.

The Sacs on the Rock River under Black Hawk (known as the British Band) kept up a regular line of communication with Malden in Canada over what came to be known

as the Malden Trail. In northeastern Illinois and southern Wisconsin the Pottawatamies and Winnebagoes were sullen and treacherous; while farther to the eastward Tecumseh and his brother the Prophet became openly hostile and received condign punishment by General Harrison in the battle of Tippecanoe on November 6, 1811.

Before Governor Edwards's arrival, Acting Governor Nathaniel Pope, deeming measures of defense necessary, made temporary appointments of militia officers as early as May 1, 1809. Under date of July 4, 1809, Governor Edwards ordered the companies to meet and recommend officers by election.[12] Three regiments were organized at once — two from Randolph County and one from St. Clair County. In November a fourth regiment was organized from "the Wabash country". Early in 1811 an act of Congress authorized the enlistment of ten companies of Mounted Rangers, to be styled the Seventeenth Regiment, over which Colonel William Russell of Kentucky was given command. Four of these companies were assigned to the defense of Illinois, four to Indiana, and two to Missouri. The Illinois companies were commanded by Captains

Wm. B. Whiteside, James B. Moore, Jacob Short, and Samuel Whiteside.

A chain of "family forts" was built, extending across the peninsula from the Mississippi, opposite the mouth of the Missouri, to the Wabash River at Vincennes. These were generally block houses, one and a half or two stories high at diagonally opposite corners of stockades which also enclosed cabins of those who thus "forted" together. More pretentious forts were Dearborn at Chicago, Armstrong at the mouth of Rock River, Clark at the foot of Peoria Lake, Madison on the west side of the Mississippi (now Fort Madison, Iowa), Shelby at Prairie du Chien, and one of the most important, Camp Russell (named in honor of Colonel Wm. Russell) at Edwardsville, Illinois, twenty miles northeast of St. Louis.

The battle of Tippecanoe broke the power of the Indians in Indiana; and thereupon the hostile manifestations seem to have been transferred to the Illinois Territory. Murders of settlers and even threatening movements against the forts occurred during the winter of 1812-1813 around Fort Dearborn, Fort Shelby, Fort Clark, Fort Madison, and the Spanish Mines (Dubuque). These hos-

tilities induced Governor Edwards to order detachments of the militia to assemble at Camp Russell, to which place he himself repaired, practically removing thither the seat of government.

There exists, moreover, a roster of "the first company detached from the Second regiment of militia, Illinois Territory, for a three months' tour, by order of the Commander-in-Chief, 3rd March, 1812. Inspected at Cahokia." In this list of names we find Thomas Cox enrolled as a private. The company was captained at first by Samuel Judy and later by Henry Cook.[13] Other companies in the detachment were those of Captain John Scott and Captain Jacob Short — also from the Second Regiment. William Whiteside was Colonel of the regiment which consisted of three battalions. It is said to have been the St. Clair County regiment.

Why Thomas Cox should have enlisted with the St. Clair County regiment rather than in a Randolph County command we are not informed. It seems probable, however, that he chose the St. Clair County regiment because it afforded opportunity for active service sooner than any other. A private in Captain Short's company of this same com-

mand was Andrew Bankson, of whom mention will be made later in connection with events in the early history of Iowa.[14]

There is no evidence that these companies had any active campaigning to perform during their three months' tour. A few days after that time expired, war was formally declared against England on June 18, 1812, and the Indians of Illinois became open instead of secret allies of the British. On the 16th of August occurred the humiliating surrender of Detroit by General Hull; and on the previous day occurred the massacre by the Indians of the garrison of Fort Dearborn as that garrison was leaving the fort by order of General Hull to join him at Detroit.

Danger to southern Illinois was evidently imminent, and Governor Edwards called for the support of the militia which quickly responded. Colonel William Russell marched from Vincennes with two small companies of United States Rangers to join Governor Edwards at Camp Russell. Governor Shelby had ordered a force of two thousand Kentuckians, under the venerable General Samuel Hopkins,[15] to assemble at Vincennes and coöperate with a force which Governor

Edwards would lead towards Peoria Lake to chastise the hostile Indians there concentrated. Edwards divided his force into two columns — one, a company under Captain Thomas E. Craig of Shawneetown,[16] being despatched on two bullet protected boats (one of them carrying a swivel gun) up the Illinois River to Peoria Lake to coöperate with the land expedition and to investigate reports that the French Colony at Peoria was giving aid to the Indians as British sympathisers. The boats did not reach Peoria until November 5th, which was too late to be of service to the Edwards-Russell column.

In the reckless bravado of irresponsible authority, Craig, on slender evidence of hostility, burned half the French village and took the entire population, seventy-five in number, on his boats as prisoners.[17] Among these was the American Indian Agent Forsythe,[18] who, for reasons of state, was living among the French without disclosing his office. Another of the prisoners was Antoine Le Claire,[19] afterwards government interpreter and the first settler of Davenport, Iowa.

Governor Edwards selected a mounted

force of three hundred and fifty men to unite with Colonel Russell's two companies of about fifty. He divided them into two small regiments, commanded by Colonels Elias Rector (his Adjutant General) and Benjamin Stephenson, and a "spy" or scout company. The latter, captained by Major Samuel Judy, had twenty-one privates, one of whom was Thomas Cox. Captain Henry Cook and Ensign Samuel Gilham of Judy's original company of the Second Militia were also among the twenty-one privates of this little company of scouts; and another private was John Reynolds, who in 1830 became Governor of Illinois and served as such during the Black Hawk War. The intimate comradeship of service in this small band of olden time "rough riders" meant much to Thomas Cox and his friends when John Reynolds came into a place of power. It was in part his connection with this command that gave to Governor Reynolds in later life the sobriquet of "The Old Ranger".[20]

The little army commanded by Governor Edwards and Colonel Russell departed from Camp Russell on their dangerous mission October 18th.[21] Their route soon led them into a part of Illinois entirely unsettled and

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almost unexplored. They crossed the Sangamon River a few miles east of the site of Springfield, continued nearly north to a Kickapoo village near where Lincoln now stands, burned the village which had been abandoned, and then marched direct for a village of Kickapoos and Pottawatamies on the east bank of the Illinois River at the head of Peoria Lake.

Arriving within a few miles of the village at nightfall they went into camp, and Governor Edwards sent five volunteer spies (one of whom, Thomas Carlin, afterwards became Governor of Illinois) to learn the situation of their savage enemy. This, at considerable peril, they adroitly accomplished, and reported to the commanding officer that the village, though situated on a bluff, was surrounded for three miles by swamps so wet and mired as to be nearly impassable for man or horse.

The morning broke with a dense fog prevailing, under cover of which the force moved. Captain Judy's scouts led the way. The obscurity of fog and forest confused the guide, who led them into swampy thickets, the crashing of which gave alarm to the Indians who had time to plunge into the

swamp. Governor Reynolds says: "Instant pursuit was given, and in a short distance from the village, horses, riders, arms and baggage were overwhelmed in the morass. It was a democratic overthrow, for the governor and his horse shared the same fate as the subaltern, or the private soldier. We were all literally *swamped.*" [22]

Pursuit on foot was continued with extreme difficulty to the river, which most of the Indians succeeded in crossing. Some of the troopers were wounded in the charge, but none were killed. The Indian village was burned, four prisoners taken, and eighty horses captured.

Governor Edwards now found himself in the heart of the enemy's country with less than four hundred men. General Hopkins's force had not appeared nor had it been heard from; and Captain Craig with his armed boats and supplies for the army had not arrived at Peoria. The Governor, therefore, deemed it prudent to return at once. After an absence of thirteen days they reached Camp Russell and the volunteers were discharged.

General Hopkins had found his vaunted Kentuckians unmanageable and even muti-

nous. They had crossed the Wabash a short distance above Terre Haute (at Fort Harrison commanded by Captain Zachary Taylor) and traveled into the prairies about eighty or ninety miles when the troops, accusing the officers of being misled by guides, absolutely refused to brave the unknown dangers of trackless plains — rendered more obscure by prairie fires set by the Indians — and insisted upon returning. And this they proceeded to do — Generals Hopkins, Ray, Ramsey, and Allen following meekly in the rear.[23]

The Illinois militia organization was subject to numerous changes. The *Executive Register* shows promotions and appointments of officers with almost daily regularity. From these it is learned that Thomas Cox attained commissioned rank on March 24, 1813, by appointment as Ensign and was promoted to a lieutenancy on April 19, 1814, in the Second Regiment of Militia. On June 3, 1818, he was promoted to a captaincy in the Third Regiment.[24] This was after he had removed his residence to Jonesboro in Union County. No records of militia appointment during the first years of the State organization of Illinois are available, but a

tradition in his family runs to the effect that Cox was finally promoted to the rank of Lieutenant Colonel. Letters in *The Edwards Papers* disclose the fact that he was familiarly known among his associates as "Colonel Cox" as early as 1820 — a title which clung to him during the remainder of his life.[25]

The military operations of 1812 in Illinois were too indecisive to afford much security to settlements exposed to Indian depredations, and many murders and robberies occurred in both Missouri and Illinois. Companies of Rangers in small parties rode almost constantly from fort to fort, repairing some, enlarging others, removing families to safer posts, and running down thieves and murderers. The general government having made no provision for the support of the militia, Governor Edwards discharged them on June 8, 1813. At the same time Governor Benjamin Howard of Missouri resigned his office and accepted a commission as Brigadier General in the government service. He organized two regiments of Rangers, the First Regiment being from Missouri and the Second Regiment from Illinois.

No full rosters have been preserved of these commands, but the Illinois regiment seems to have been largely officered from the Second Regiment of the militia. Its Colonel was Benjamin Stephenson, then Governor Edwards's Adjutant General; its Majors were John Moredock and William B. Whiteside, both officers of the Second Militia Regiment; and among its Captains were Samuel Judy, Samuel Whiteside, Nathaniel Journey, and Joseph Phillips, of whom the three former were from the same regiment.[26]

There seems to be no information from the public records, nor from any other source, as to whether or not Ensign Cox also joined this regiment of Rangers, but the presumption is very strong that he did. His old Captain (Judy) was with it as well as other associates of the militia; and we may be certain that only considerations of the gravest moment would have kept him out of it. The First, or Missouri Regiment, was commanded by Colonel Alexander McNair of St. Louis; and William Christy and Nathan Boone were its Majors.[27]

It was in July that Fort Madison on the west side of the Mississippi was besieged by the Indians. Supplies were cut off and

the garrison, hopeless of succor, abandoned the fort and escaped by a covered way to the river. Skirmishes with armed bands of Indians occurred during August on the narrow peninsula between the Illinois and the Mississippi.

The vicinity of Peoria Lake was a rallying ground for the hostile tribes, and it was determined by General Howard to proceed against them with his entire force. The movement began on September 16, 1813. The Missouri regiment moved up the west side of the Mississippi to about where Quincy now stands, when they crossed and joined Colonel Stephenson, who had been marching near the river on the east side. Colonel Nicholas with two hundred regulars was sent up the Illinois River in boats. The land forces kept near the Mississippi until they reached a point nearly opposite Fort Madison, when they turned directly east and arrived at Peoria on the 29th of September. Here Colonel Nicholas had already arrived and built a stockade. The following morning General Howard marched his troops to Gomo's village at the head of Peoria Lake. Finding the village abandoned, they burned it and then returned to Peoria where the

men were employed in assisting the regulars to construct an elaborate fort which was named Fort Clark. This required two weeks' labor, during which time detachments scoured the country to the north and east, penetrating to within a short distance of Chicago. No Indians were overtaken during the expedition, except a few driven by Colonel Nicholas from Peoria. The mounted troops returned from Peoria directly south to Camp Russell, which they reached on the twenty-first day of October, 1813. Here they were discharged.

In May of the following year (1814) Governor William Clark of Missouri took a force of two hundred men on five barges up the river to Prairie du Chien, where a small force of British "Mackinaw Fencibles" was driven out. Here a strong fort was erected which was named Fort Shelby in honor of Isaac Shelby, the Governor of the State of Kentucky.

The mistake was made of leaving only sixty men to defend Fort Shelby. In July it was attacked by the notorious Colonel Robert Dickson, Indian trader and British officer, with one thousand two hundred Indians and British troops. Lieutenant Per-

kins after a gallant defense was compelled to surrender. In the meantime reinforcements were on the way under Lieutenant Campbell of the Regulars. A little above Rock Island they were attacked by Black Hawk with a large body of Indians. Their boats stranded in shallow water during a high wind, leaving the devoted little band exposed to the fire of the savages at close range. One of the boats was set on fire by lighted arrows; but the well and wounded were conveyed to the other boats, which dropped down the river after nearly three hours' fighting in which one-third of the force was killed or wounded. It is from this bitter conflict that Campbell's Island in the Upper Rapids of the Mississippi takes its name.

Major Zachary Taylor was immediately sent with a force of three hundred and thirty-four men in keel boats to punish the audacious Black Hawk. Taylor found his force insufficient. Severe fighting occurred on small islands near the mouth of Rock River, in which the American loss was three killed and eight wounded. It was discovered that the Indians had the aid of English troops and artillery, by which one

of the boats was badly shattered. A council of war advised retreat, which was safely accomplished.

Sporadic cases of Indian hostility continued to occur, although more on the Missouri side of the river than on the Illinois side. It was not until 1815, after the treaty of Ghent had been promulgated, that a treaty was signed with the Sacs at Portage des Sioux near the mouth of the Illinois which gave comparative peace to the borders.

It is difficult to learn what part, if any, Thomas Cox took in the active operations of the last three years of the war. He was an officer in the militia and ready for any duty to which he might be called. Moreover, a tradition in his family credits him with having carried despatches at some time during the war from General W. H. Harrison to the headquarters of the army at Marietta, Ohio.[28] None of the known facts of his career seem to verify this tradition; but that he might have carried despatches from Governor Edwards to General Harrison and returned with the General's replies appears probable. Cox was a young officer, brave and intelligent, and a prime favorite with

Governor Edwards. He was also an accomplished horseman, of commanding physique, genial manners, and striking personality — an ideal aid-de-camp for errands involving diplomacy as well as extraordinary peril. It is this period of his life at which the portrait accompanying this volume as frontispiece represents him.[29]

III

A Member of the Illinois Legislature

Other activities engaged the attention of Thomas Cox in the intervals of the war period when he was not engaged in military duties. His father lost his life by drowning some time during the War of 1812. He was crossing a swollen stream on horseback, and, upon the advice of a companion, took his feet out of the stirrups, with the result that he was swept from his seat in midstream.[30] Thomas was the oldest son, and in him family ties were very strong. His widowed mother and his sisters and brother were throughout life objects of his tenderest care and solicitude — in all his changes of residence they were either part of his family or his near neighbors.

It was about the time of the war that Thomas Cox began to put into practice his studies in land surveying. Some work in that profession led him to the west side of the Mississippi, in southeastern Missouri

and northeastern Arkansas, where he explored the strangely altered country about New Madrid. The great earthquake of 1811 which depressed large areas in that panhandle of Missouri and formed lakes and swamps over what was previously dry land had also been severely felt around his home at Kaskaskia.

The ancient French village of Ste. Genevieve, just across the Mississippi, proved to be an attractive place for the young soldier to visit. After the Louisiana Purchase had transferred the west side of the Mississippi to American control Ste. Genevieve became for some time an important political center. George W. Jones, a young Kentucky graduate of Transylvania University, went there and began a public career that led to the United States Senate after he had become an Iowa pioneer. Henry Dodge, who became successively General, Governor, and United States Senator in Wisconsin, was likewise one of the first American settlers in Ste. Genevieve. Nathaniel Pope, as pointed out above, had as a young lawyer lived at Ste. Genevieve prior to his appointment as Secretary of the Illinois Territory.

The restless, enterprising New England-

ers also sent contingents to redeem the Louisiana Purchase from both savages and Latins, and some of these chose the gateway of Ste. Genevieve. Among them was one Daniel Bartlett from Rhode Island, born of old colonial stock at Cumberland Hill seven miles from Providence. He fought at Bunker Hill; was then drafted into the new navy; and served in several cruises with Paul Jones. His wife, Phoebe Arnold, came from a Rhode Island Quaker family.[31] It became an ardent desire with him to remove to a warmer climate and so he sold his farm with the intention of settling in the South and raising cotton.

About the year 1809 he started for the West, passing through Pittsburg and Marietta where he was urged to remain and invest in land. Cincinnati had just been laid out as a city; but he continued his journey to Ste. Genevieve and purchased a French grant of five hundred acres of land on the Isle Bois River near the town. Mrs. Bartlett died soon after their arrival at Ste. Genevieve.

The Bartlett farm on the Isle Bois was the goal of Lieutenant Cox's frequent visits to the ancient French town across the

river — the magnet which drew him there being Miss Roba Bartlett, the fourth child and second daughter of the house.[32] They were married in 1815. For a time they engaged in hotel keeping at Kaskaskia,[33] but soon afterward removed to Jonesboro, about fifty miles southeast of Kaskaskia. Jonesboro was in what was then a part of Johnson County; but early in 1818 it became the county seat of the newly organized county of Union. Here their oldest child Daniel was born in September, 1816.[34]

Among the first appointments made by Governor Edwards after the organization of Union County became effective was that of Thomas Cox as Justice of the Peace, April 8, 1818.[35] In July of the same year a convention met at Kaskaskia to frame a Constitution for the State of Illinois in compliance with an enabling act which the efforts of Nathaniel Pope, the Territorial Delegate, had secured from Congress. The Convention concluded its labors on August 26th; and on December 3, 1818, Illinois was formally admitted into the Union by resolution of Congress as the eighth new State.

In the election of State officers and a legislature to set in motion the new State

government Thomas Cox presented himself as a candidate for the office of Senator from Union County, and was elected. Shadrach Bond, a native of Maryland, was elected Governor at this election, practically without opposition; and Pierre Menard, a French Canadian merchant of Kaskaskia, was chosen Lieutenant Governor.

The first General Assembly of the State of Illinois, composed of thirteen Senators and twenty-five Representatives, convened at Kaskaskia on October 5, 1818. Governor Bond was inaugurated on October 6th. The legislature seems to have proceeded to business at once, without waiting for a formal resolution by Congress as to the admission of the State.

On December 4th (the day after that admission but before the news could possibly have reached Illinois) the legislature proceeded to the election of United States Senators by joint ballot. Ninian Edwards was elected with but little opposition, and Territorial Judge Jesse Burgess Thomas of Cahokia was chosen to accompany him. Judge Thomas drew the long or full term, and Governor Edwards the short term which expired March 3, 1819. This necessitated

another election for the full term at the second session of the same legislature, which convened January 4, 1819. The election took place on February 8, 1819, while Edwards was absent in Washington.

A very active opposition to Edwards had developed; and Colonel Michael Jones, a State Senator from Shawneetown, appeared as a candidate. As a desperate scheme to accomplish the defeat of Edwards, a proposition was made to divide the State into two Senatorial districts by the line of the Third Principal Meridian — which only failed in the House by the close vote of twelve to fifteen.[36] Colonel Cox was an ardent partisan for Edwards, and a letter written by him to the Governor reads as follows:[37]

Kaskaskia, February 8th, 1819.

Sir: — You are re-elected to the United States Senate for six years, which has completely placed you out of the reach of your enemies. Col. Jones was your opponent. He got 19 votes and you 23. There has been more trickery and intrigue made use of than you have any idea of. I suppose that some of your friends will give you the particulars of what has transpired. If they do not, you will hear it when you come home. I wish that you could see a letter I received from the honorable senator [John McFerron] from this county a few minutes before the election

came on yesterday. He protested against me having a seat in the Legislature because I would not vote for Jones, for which I intend to impeach him. Your friend Kitchell has done his D——st to keep you out.

I write you in great haste, mostly to let you know that you were re-elected again. There is a great many of them that appear to die very hard deaths. I wish I was with you one hour, just to give you a history of matters and things. I write in great haste.

Your friend and humble servant,

THOMAS COX.

P. S. The objections to you are these: That you will get all those old land claims, that were rejected by Jones, confirmed; and that you are opposed to the donation of land that the Legislature has petitioned Congress for.[38]

An important problem left by the Constitutional Convention for the First General Assembly to settle was the relocation of the State capital. A mania for land speculation was universal, and it was believed that fortunes might be made by building a new town. The Convention therefore provided that the first legislature should "petition Congress for a grant to the State of four sections of land for the seat of government"; and if the prayer was granted, a town should be laid out thereon which should remain the capital of the State for twenty years. The land was

to be situated on the Kaskaskia River, preferably east of the Third Principal Meridian.

Carlyle on the Kaskaskia and Pope's Bluff higher up the river were the first competitors for the location. Then came a hunter who declared that "Pope's Bluff and Carlyle wasn't a primin' to his bluff". And they were not. His cabin was located on a commanding site still farther up the river, and the commissioners were so pleased with the beauty of this spot that they were not long in deciding that it should be the location of the future capital. Tradition has it that a wag imposed upon the lack of classical lore in the backwoods commissioners by urging that the name of Vandalia would preserve the memory of the Vandals, an extinct tribe of Indians who once inhabited the locality, and the commissioners, well pleased with the euphonious syllables, adopted it.

Just what part Colonel Cox as a member of the legislature had in this contest and decision is not known; but by one of the curious coincidences with which his life seemed to abound it happened that twenty years later, in the first Territorial Assembly of Iowa of which he was a member, a contest over the location of the seat of government

arose and by a compromise exactly the same solution of the problem was reached as in Illinois: a site on government land was selected and a town built *de novo*. Colonel Cox was largely responsible for the solution in Iowa, and we can readily conjecture that its suggestion was a reminiscence rather than an inspiration.

Pro-slavery sentiment was almost universal in that first Assembly of Illinois, the members being with few exceptions Southern born. Many of them had brought slaves into the Territory, and still held them under a qualified condition that bound the negroes to service for a term of years. It was not difficult, therefore, to pass very stringent "Black laws" which restricted the liberties of the colored people in the most degrading ways. Nor were all these laws repealed until after the Civil War.

In 1824 the question of calling a convention to amend the Constitution so as to permit slavery was submitted to the people. The proposition obtained a two-thirds majority in the legislature of 1823, and its friends had no doubt of its success before the people — incensed as they were by the attempt in Congress to refuse admission to

Missouri as a slave State which had just ended in the Missouri Compromise of 1820.

Colonel Cox appears as a conspicuous advocate of the convention.[39] It is a remarkable fact that the strongest leader of the free State forces was Governor Edward Coles, a Virginian, and that Ninian Edwards and his son-in-law, Daniel P. Cook, both Kentuckians, did not favor the convention. An ardent partisan in its favor was Elias Kent Kane, a New Yorker who afterwards became a United States Senator. The leader of the slavery party was United States Senator Jesse Burgess Thomas, a Marylander, who was a colleague of Ninian Edwards. The contest was prosecuted with fiery zeal and energy on both sides for more than a year, but at the election the convention was defeated, 4,972 votes being cast in its favor and 6,640 against it.

IV

Register of the United States Land Office

The regulations first adopted by the government for the sale of public lands proved a strong stimulus to speculation. Previous to 1819 the minimum price was two dollars per acre, payable one-fourth in cash and the residue in three installments at the end of the second, third, and fourth years.[40] This induced every settler who could command $80 (the cash payment on 160 acres) to become a quasi land holder and a debtor to the government.

When financial revulsions came, as they did in 1819 following the close of the War of 1812, great embarrassment ensued to those who owed more than they owned and great losses came to many of the eager speculators. These considerations brought about a change in the law by which the price of land was reduced to $1.25 per acre and the credit system abolished.[41]

Under the old system and under the new Colonel Cox became a heavy speculator in lands. The knowledge which he obtained in his surveying tours gave him unusual opportunities for selection; and at different times he acquired properties in southeastern Missouri and northeastern Arkansas in the region of the "sunken lands" and in southern Illinois. About 1821 he extended his operations into the region of central Illinois, over which he had ridden as a scout in 1813. A new county had been created by the name of Sangamon, which included all of Illinois north of Madison and Green counties. The county seat, called Springfield, had been tentatively located at a little hamlet near the Sangamon River.

At the time of this location (June, 1821) nine families lived there in log huts. A new United States land district was also formed, to be called the Springfield District, and it became necessary for the President to appoint a Register and a Receiver. For one of these offices Senator Ninian Edwards recommended Colonel Cox. Among *The Edwards Papers* a letter from President James Monroe relating to this appointment reads as follows:[42]

Confidential Jany 23, 1823

Dear Sir:— On further consideration I think that it will be best, to withdraw the nomination of Mr. Cox and Mr. Enos, and to change the order for that first proposed by you, by nominating Col. Cox as Register, and Mr. Enos as the Receiver. Should the nominations be taken up be so kind as to have them postponed for this purpose, tho' it will be better, to say nothing as to the motive.

Very Sincerely Yours

JAMES MONROE

Governor EDWARDS, of the Senate.

Colonel Cox's commission as Register of the United States Land Office at Springfield was dated January 28, 1823.[43] The Receiver appointed at the same time was Pascal P. Enos, a Connecticut man who, having removed to Cincinnati in 1815 and afterwards to St. Charles and St. Louis, had come in 1821 to Madison County, Illinois, and located near Edwardsville. He obtained the appointment at the solicitation of the Vermont delegation in Congress. In September, 1823, the Receiver removed with his family to Springfield.[44] Colonel Cox, however, had established his home there sometime in the year 1822. There was no town site laid out at Springfield until the land officers entered upon their duties and the

land came into market and government titles could be given.

Among those whom Colonel Cox found at Springfield on his arrival was Elijah Iles, a Kentuckian who had been living in Missouri where he had made some profitable land deals. In June, 1821, he had removed to Springfield and opened a store in a little log hut.

Early in 1822 Elijah Iles,[45] Daniel P. Cook, Thomas Cox, and Pascal P. Enos pre-empted four quarter sections and laid them out in town lots. They were the southwest quarter of section twenty-seven, the southeast quarter of twenty-eight, the northeast quarter of thirty-three, and the northwest quarter of thirty-four in township sixteen north, range five, west of the Third Principal Meridian — being the northeast part of the present city of Springfield, embracing the State House site. These proprietors were all ardent admirers of John C. Calhoun, then a member of Monroe's Cabinet; and so they resolved to change the name of the place from Springfield to Calhoun. But the change was not satisfactory to the people of the town. Calhoun having become very unpopular on account of his stand on the

nullification question, the new name was soon dropped; and to-day few people are aware that the capital city of Illinois bore his name for a short time, notwithstanding the fact that land conveyances in that part of the city still perpetuate the name.[46] The title to the entire town site of Calhoun was taken "by agreement" in the names of Elijah Iles and P. P. Enos, for some reason not disclosed in the records.[47]

In 1825 the legislature appointed three commissioners to locate permanently the county seat of Sangamon County. This opened the location to a competition in which Springfield was not wholly a favorite. As a final inducement the town site proprietors gave to the county forty-two acres of land, being parts of sections thirty-four and twenty-seven and including the present site of the State House. The portion of this donation not reserved for public purposes was laid off into lots and sold at public auction on May 2, 1825. The report of these sales shows that Thomas Cox purchased for himself Lot 1, Block 23, for the very modest sum of fourteen dollars.[48]

Some time during his term of office as Register of the Land Office it appears that

Cox opened a hotel, which he continued after his service in that office closed on January 5, 1827. Dr. John Todd was appointed to succeed him as Register.[49] The extensive land speculations in which Colonel Cox had engaged for several years, together with unwise endorsements for friends into which his generous nature had led him, culminated in financial embarrassments from which he was unable to free himself. Most of his property passed out of his hands by legal proceedings and otherwise — Governor Ninian Edwards being a creditor who pressed his claims in the courts.[50] In the career of Colonel Cox this was a period of great gloom and despondency, which sapped his energy and almost destroyed his ambition.

V

The Outbreak of the Black Hawk War

In 1827 an outbreak of Winnebago Indians about Prairie du Chien and at the same time an attack under Black Hawk upon boats descending the river at Wabasha caused alarm at the State capital of Illinois. Governor Edwards organized a regiment of cavalry to proceed to the north for protection of the settlers. The strained relations then existing between Governor Edwards and Colonel Cox prevented the latter from applying for service; but his brother-in-law, Edward Mitchell,[51] became a Captain in the regiment, and his friend, Elijah Iles, was appointed as Major. Thomas M. Neale, a civil engineer who had laid out into town lots the land given by Cox and his associates, was its Colonel. Andrew Bankson was another Captain in the regiment; and James D. Henry, then Sheriff of Sangamon County and afterwards the distinguished general in the Black Hawk War, was its Adjutant. The

Indian disturbances soon quieted and the regiment saw little service.

This was a period of great interest and excitement in regard to the lead mines around Galena and in what was then southwestern Michigan Territory. About 1826 and 1827 the furore in Sangamon County and all southern Illinois approached in intensity the California gold fever of 1849 and 1850.[52] Some of those who removed from Springfield to the lead mines in 1827 were closely connected politically and socially with Colonel Cox. Among them were Ebenezer Brigham, who located at the Blue Mounds (now in Dane County, Wisconsin) and William S. Hamilton, a son of Alexander Hamilton. The latter established Hamilton's Diggings in what is now Lafayette County, Wisconsin. Both of these gentlemen became prominent as public men and soldiers in the early history of Wisconsin. Other acquaintances from Ste. Genevieve who located in the lead mining country about this time were Henry Dodge and George W. Jones, both of whom ultimately became United States Senators.

Early in 1831 troubles began with Black Hawk and his "British Band" of Sac and

Fox Indians. They repudiated the treaty made at St. Louis in 1804 and threatened to reoccupy their old hunting grounds on Rock River. The settlers in the vicinity of that river, becoming greatly alarmed and indignant, sent urgent complaints to Governor John Reynolds, the "Old Ranger" who had taken office in 1830. He in turn applied to the Indian Agents at Rock Island and to General Edmund P. Gaines, commanding the Western Department of the United States Army. Failing to receive as prompt response as he deemed the urgency of the occasion required, Governor Reynolds on the 26th of May called out the militia to the number of seven hundred, with instructions to rendezvous at Beardstown on June 10, 1831. And of these orders General Gaines and General William Clark, Superintendent of Indian Affairs at St. Louis, were notified.[53]

General Gaines proceeded at once to Fort Armstrong (on Rock Island) and after an unsatisfactory talk with Black Hawk and his braves ordered the Illinois militia to join him. That force was enlisted from those counties only which were closely adjacent to Beardstown, and it formed a brigade of two

regiments and a spy battalion. Joseph Duncan, afterwards Governor of Illinois, was made Brigadier General and placed in command of the brigade. Samuel Whiteside, who had served in the War of 1812, was Major of the spy battalion, and William B. Whiteside was one of its Captains. James D. Henry was Colonel and Thomas Carlin a Captain in the First Regiment.

A demonstration by the military force soon brought the recalcitrant savages to terms, and they signed a treaty agreeing to remain on the west side of the Mississippi River and "to abandon all communication, and cease to hold any intercourse with any British post, garrison, or town; and never again to admit among them any agent or trader who shall not have derived his authority to hold commercial or other intercourse with them by license from the President of the United States or his authorized agent."[54] The militia forces returned to their respective counties and were immediately disbanded.

The treaty proved to be merely a truce. In the following April (1832) General Henry Atkinson, who had succeeded General Gaines in command of the Western

Department, proceeded under orders from Washington to Fort Armstrong with six companies of infantry. Before arriving there he learned that Black Hawk in defiance of his treaty had crossed the Mississippi with five hundred warriors.

Atkinson demanded of Keokuk and Wapello, the Sac Chiefs, that the invaders be ordered back. Upon their acknowledging their lack of power to control Black Hawk and his band, the General dispatched a letter to Governor Reynolds asking the assistance of the militia, notified the lead mines district of their danger, and called for reinforcements from Fort Crawford. Two companies came at once, with Lieutenant Colonel Zachary Taylor at their head. Other officers of the Regulars who served during the strife which ensued and whose names have become familiar from their subsequent careers were: Lieutenant Jefferson Davis, Aid to Colonel Taylor; Lieutenant Albert Sidney Johnston, Adjutant at General Atkinson's headquarters; Lieutenant Colonel David E. Twiggs; Captains William S. Harney, E. A. Hitchcock, and R. B. Mason; Lieutenants Robert Anderson, J. J. Abercrombie, and P. St. George Cooke.

Governor Reynolds assembled the militia promptly at Beardstown and on the 29th of April was ready to march with four regiments of mounted volunteers, two spy battalions, and a battalion of infantry. The latter was sent by boat to guard the military stores. The mounted men by hard marching reported to General Atkinson at Rock Island on the 6th of May.

As commander-in-chief Governor Reynolds accompanied the militia and formed it into a brigade organization under Samuel Whiteside, who was promoted to the position of Brigadier General. This brigade was all from the south and central part of the State, but other detached companies were formed in Galena, Chicago, and other northern counties. Sangamon sent three mounted companies and the infantry battalion of three companies; and it was one of these mounted companies that chose as its Captain a young lawyer by the name of Abraham Lincoln.

The first campaign of the raw, undisciplined militia was far from successful. Major Stillman's battalion had an ignominous experience, preserved in memory by conferring the name of Stillman's Run upon the

little stream on which it occurred. Black Hawk moved rapidly up Rock River Valley across the State line, perpetrating several massacres of helpless settlers on the way. General Whiteside, a brave and ever reckless fighter, proved inefficient for a large command. And the volunteers, enlisted hastily for a short emergency, demanded discharge that their spring crops might be attended to. Governor Reynolds yielded to the demand, issued a call for a new army to be formed, and mustered out on the 27th of May all who had formed Whiteside's brigade. To bridge over the interval he called for volunteers for twenty days.

Enough men responded to make six companies, the flower of the first army. They were formed into a regiment over which Jacob Fry was placed as Colonel and James D. Henry as Lieutenant Colonel. The Captain of one of these companies was Elijah Iles, who had been Colonel Cox's partner in the Springfield town site; and among the privates who enlisted in his company for the pressing emergency which came upon them were Samuel Whiteside and Abraham Lincoln — who had been mustered out as Brigadier General and Captain, respectively.

Captain Iles's company spent nearly all of its twenty days' service in a dangerous and arduous march to Galena and back to reopen communications interrupted by a bloody raid of Indians upon Kellogg's Grove and Apple River. At the expiration of the twenty days, Colonel Fry's regiment, almost to a man, reënlisted in the regular levies. Abraham Lincoln as a private joined the company of Captain Jacob M. Early of Springfield; and several other ex-captains, majors, and minor officers completed their service as privates. The new enlistments came forward rapidly and formed three brigades, containing in all ten regiments and three spy battalions — all mounted.

When the time came to select the field officers for his new regiments, the thoughts of "Old Ranger" Reynolds turned to his old comrade of Captain Judy's little company of scouts in the War of 1812. Thomas Cox had now arrived at an age to be exempt from military duty, but his known zeal and skill in tactics, the high rank he had previously attained in the militia, his vigor and forcefulness, marked him as one well fitted to serve the State in command of a regiment; and so the Governor proffered him a colon-

elcy.[55] He declined to accept the flattering offer. His reasons for doing so have not become a matter of record — but they are not hard to conjecture. It was doubtless his own lack of confidence in Thomas Cox. The stress of recent financial reverses was still sore upon him — with consequent depression of spirits and energy. Furthermore, during his life of political activity he had acquired habits of convivial indulgence — almost universal among public men of the period — that at this time conspicuously impaired his usefulness.[56] That it was from no desire to shirk his patriotic duty to his State and country, nor to take advantage of his age exemption, he promptly demonstrated by enlisting as a private in the congenial service afforded by a company of scouts.

His declination of the Governor's appointment was coupled with the recommendation that the position of Colonel of one of the new regiments be given to a young man who had recently moved from Western Virginia to Macoupin County and had married Eleanor, the Colonel's favorite sister. The native ability and fitness of James Collins for the exalted position was evidently known to Governor Reynolds as well as to Colonel

Cox; and so Collins was commissioned Colonel of the Fourth Regiment, Third Brigade, Illinois Mounted Volunteers. This brigade was organized on June 20, 1832, and placed under command of Brigadier General James D. Henry of Springfield, who had proved his prowess and military genius by service in every position from private to Lieutenant Colonel. Henry was destined to attain the distinction of being one of the ablest commanders which this short struggle developed; and Colonel Collins had the good fortune, by conspicuous service in General Henry's brigade, to prove that the confidence of his friends in his qualifications as a commander was well founded.[57]

Although he had deemed it best to decline a responsible command — and a similar event in his Iowa career proved him capable of such self-abnegation — Thomas Cox was filled with true martial ardor and a desire to aid and protect the helpless settlers. It was not deemed a disgrace by other patriots of the day, bearing titles of previous high military rank — like Whiteside and Henry and Lincoln — to take their places in the ranks and enroll as privates. Nor was this spirit lacking in Cox.

In the adjoining county of Morgan, Captain Allen F. Lindsay was raising a company to serve as scouts in the spy battalion of Henry's brigade. Such service was congenial to Thomas Cox's restless, enterprising disposition, and he remembered well the keen zest with which Captain Judy's company twenty years before had ridden in the van of Edwards's expedition. And so, on June, 1832, Captain Lindsay's spy company received upon its rolls the name of Thomas Cox.

VI

The End of the Black Hawk War[58]

The spy battalion of the Third Brigade consisted of two companies — Lindsay's of Morgan County, and Samuel Huston's of Fayette. It was placed under command of Major William Lee D. Ewing of Vandalia, who had been Receiver of the United States Land Office and General of Militia. General Henry's brigade comprised the regiments of Colonels Samuel T. Matthews, Jacob Fry, Gabriel Jones, and James Collins, and Major Ewing's spy battalion.

Colonel Matthews's regiment, being partly infantry, was left to guard the Illinois River country, and the rest of the brigade joined General Atkinson's army which moved on the 23d of June to follow Black Hawk's retreat up the valley of the Rock River into the wilds of Michigan Territory or what is now Wisconsin.

In the preliminary movements the entire

army concentrated at Dixon's Ferry, whence General M. K. Alexander was sent on a detour guarding the left flank to the Mississippi at the mouth of Plum River (now Savanna, Illinois) and thence via Kellogg's Grove to Fort Hamilton in the Wisconsin lead regions. Here he was joined by General Alexander Posey's brigade, which had marched from Dixon's Ferry directly to Hamilton, and by Colonel Henry Dodge's command of Michigan volunteers. Major John Dement, commanding General Posey's spy battalion, scouting a day's march in advance encountered Indians at Kellogg's Grove and defeated them in a severe battle against great odds.

General Henry's brigade and a brigade of United States Regulars under General Hugh Brady moved up the east side of Rock River, crossed the State line at the mouth of Turtle Creek (now Beloit, Wisconsin) and on the 3d of July halted on Lake Koshkonong or Mud Lake — a large body of water formed by the enlargement or widening of Rock River. Here General Atkinson again concentrated his army by awaiting the arrival from Fort Hamilton of the commands of Alexander, Posey, and Dodge. That

accomplished, he moved forward beyond the lake to the mouth of the Whitewater River, where he formed a base for supplies.

Scouting parties failed to develop the movements of the Indians, who were supposed to have gone northeastward and to be in hiding among the swamps around Lake Horicon. The campaign promised to be a long and tedious one, and the difficulty of subsisting so large a force in the wilderness became a serious problem. Governor Reynolds and staff started for home via Galena; Captain Early's entire company (in which was Abraham Lincoln) was mustered out; and one regiment and all members of the others who had become horseless or physically disabled were sent back to Dixon's Ferry.

Provisions having become practically exhausted, the post at the mouth of the Whitewater was left in charge of the Regulars; General Posey was ordered back to Fort Hamilton to guard the lead mining country; and the balance of the army — consisting of the brigades of Henry and Alexander, and Colonel Dodge's regiment — was sent to Fort Winnebago at the portage of the Wisconsin to obtain rations for twelve days

and then return to General Atkinson at the Whitewater.

The march to Fort Winnebago, a distance of sixty or seventy miles, was accomplished in two days, but a stampede of their horses on the night of their arrival, July 12th, delayed their return. In the meantime Winnebago Indians reported that Black Hawk was at the rapids on Rock River (now Hustisford, Wisconsin) directly east of Fort Winnebago. General Henry, with true military instinct, conceived it his duty to take advantage of his army's proximity to the objective and march at once against the enemy without regarding General Atkinson's order. He called a council of war, including every officer from Captain up, and disclosed his plan. General Alexander refused to disregard orders and proposed to return to General Atkinson with his brigade. Henry and Dodge resolved to seek the enemy and to start at noon on the 15th. Lieutenant Colonel Jeremiah Smith and most of the officers of Fry's regiment signed a protest, to which General Henry replied by ordering them all under arrest and directing that they be sent under guard to General Atkinson. The recalcitrant officers promptly recanted

and apologized and were restored to command.

Henry and Dodge were three days making their way through tangled undergrowth and swamps to the Rock River rapids, and then they found that the Indians had gone. By advice of their Winnebago guides they prepared to follow the savages further up the river, but despatched two officers to inform General Atkinson of the situation. The aids had proceeded only about eight miles to the southwest on their mission when they came upon a broad fresh trail of the enemy leading westward. Evidently the Indians were aiming to escape across the Mississippi — the Winnebagoes confessed that they had given false information to facilitate the escape of Black Hawk.

Leaving baggage wagons and other impediments that might delay a forced march, General Henry led his command on the morning of July 19th straight upon the well marked trail. At nightfall of the next day camp was made on the east bank of the Third Lake or Lake Monona. On the morning of the 21st the chase was resumed, with Major Ewing's and Colonel Dodge's forces in the lead. Deployed as skirmishers, they

swept over the beautiful peninsula between Third Lake and Fourth Lake — now occupied as the site of the capital of Wisconsin. The regiments followed in order of battle — Fry to the right, Jones to the left, and Collins in the center.

Little did Colonel Collins imagine that seven years later would find him, as legislator of a new Territory, in attendance upon a law-making body convened where now was an unsettled wilderness. Evidence was soon found that Black Hawk had camped the previous night on the banks of Fourth Lake, and by noon stragglers were overtaken. By three o'clock they reached the Wisconsin River at what was called the Heights, and here the Indians had made a stand to secure their crossing.

Stevens in his *The Black Hawk War* gives the following account of the opening of the battle of Wisconsin Heights:

> Dismounting, every tenth man was detailed to hold horses, excepting the regiment of Colonel Fry which was made the reserve and held to prevent the enemy from turning the flanks of the whites.
>
> The Indians opened fire as the advance guard of the whites was passing a stretch of uneven ground through the high grass and low brush. Major Ewing's battalion was at once formed in front, where the In-

dians poured their fire into it from behind trees. In a few moments, Henry arrived with the main army and formed the order of battle, Colonel Jones being placed on the right, Colonel Collins to the left, Fry in reserve, and Ewing in front with Dodge on the extreme right. In this order, Henry commanded the forces to move. The order to charge the enemy was splendidly executed by Ewing, Jones and Collins, routing the Indians who retreated to the right and concentrated before Dodge's Battalion with the obvious intention of turning his flank.[59]

Colonel Fry reinforced Dodge and together they charged in turn and forced the savages back upon the river bottom. Here a determined stand was made by the Indians; but a vigorous charge drove them down into the Wisconsin bottoms where pursuit being impossible in the darkness, Henry withdrew his forces and awaited the morning. It was discovered at dawn that the Indians had all made their escape over the river. Henry's army being now almost destitute of provisions, he forebore pursuit, falling back to the new base at Blue Mounds where General Atkinson had again concentrated the brigades of Posey and Alexander. The loss of the whites in the affair at Wisconsin Heights was one man killed and eight wounded. The bodies of ninety-three Indians were found,

but the survivors had succeeded in carrying off their wounded.

On rejoining the army at the Blue Mounds, Henry and Dodge and their officers met with a certain coolness at headquarters. They had committed the indiscretion of winning a victory without the advice and consent of an "educated soldier", and precautions were promptly taken that it should not occur again.

On the 25th of July the army was again in motion to intercept Black Hawk if possible before he could cross the Mississippi. The Regulars led, Posey and Alexander following; while Henry was given the rear in charge of the baggage.

The Wisconsin was crossed at Helena. The trail of Black Hawk having been discovered was followed relentlessly until on the 2d of August the enemy was overtaken on the Mississippi at the mouth of the Bad Axe River. General Atkinson had ordered reveille at two o'clock that morning, and the army moved at sunrise. An hour later they struck a small force of Indians which proved to have been decoys sent forward to receive the attack and, by gradual retreats, to draw the whites up the river three or four miles

from Black Hawk's camp on an island and the river bottoms, thus giving time for a retreat across the great river. The ruse was nearly successful.

Dodge, whose scouts developed the enemy, was ordered to hold his ground, and the troops as they arrived were deployed successively to the right — the Regulars under Zachary Taylor to the right of Dodge, then Posey and finally Alexander. And when Henry arrived trudging along with the baggage, Fry's regiment was taken from him and also sent with Atkinson. The Indian decoys gave way with the whites in hot pursuit.

Major Ewing's scouts, however, in covering Henry's front, as was their duty, soon found that the main trail led to the river farther down. General Henry, divining the stratagem that was misleading General Atkinson, immediately ordered Collins and Jones forward, followed the broad trail to the foot of the bluff, dismounted his men, deploying to right and left from the center, and boldly charged through the timber, driftwood, and underbrush straight upon the foe.

The Indians were pressed slowly back to

the river. Atkinson, having been informed of the situation by a messenger and hearing the firing, brought his entire force upon the scene in time for the final charge from which a few Indians escaped to a small willow island.

A final stand was made by these few red men on the island; but they were killed, captured, or driven into the river by Dodge, Fry, Ewing, and a number of the Regulars, who plunged through the intervening water and attacked them in the face of a heavy fire. General Henry had again, contrary to plans, been the means of gaining a decisive victory, but this time he received hearty congratulations from every officer in the regular service.

As the situation could now be fully handled by the regular troops, the volunteers were marched at once to Galena and thence to their places of rendezvous, to be mustered out. Thomas Cox and Colonel Collins are both shown by the records to have been mustered out on August 16, 1832.

Enough of the history of the Black Hawk War has been given to show that it was the fortune of Thomas Cox, and of his brother-in-law Colonel Collins, to have taken part in

a conspicuous and dangerous service.[60] It is a fair inference that the opportunity afforded by a halt at Galena, and perhaps a more extensive view of the lead mining regions, led to the removal thither of Colonel Collins shortly after the war and of Colonel Cox in 1837.

VII

United States Deputy Surveyor

The pure air and simple living of an army campaign in the wilderness had sent Colonel Cox home with restored health and renewed nerve. He was ready now to attack the problems of the future with his old time ambition and force, but felt that he must first cast off the associations and associates of Springfield. The opportunity was offered, and he embraced it, of removing to the old home of Mrs. Cox on the Isle Bois River near Ste. Genevieve, Missouri, and joining forces with his brothers-in-law, William and Lemuel Bartlett.

One is reminded of the parallel period of stress in the life of General Grant, when the farm of his father-in-law near St. Louis afforded him shelter, while events were forming that allowed his great nature to show its capacity. So likewise was Thomas Cox destined for more conspicuous service than tenant farming might afford. Influential

friends and well wishers, who knew of his capacity and especially of his experience in land surveying, came into positions of power within a few years after he had gone to Ste. Genevieve. General Henry Dodge, made Colonel of the First United States Dragoons, a regiment organized expressly for him in 1833, became Governor of Wisconsin Territory on its formation, July 4, 1836; George W. Jones, another Ste. Genevieve man, became the first Delegate to Congress from Wisconsin Territory; and, more important still, Major W. L. D. Ewing was elected United States Senator from Illinois in December, 1835, to fill the vacancy caused by the death of Elias Kent Kane.

On September 21, 1832, a treaty was concluded by General Winfield Scott and Governor John Reynolds with the Sac and Fox Indians by which a strip of land fifty miles wide was acquired along the west side of the Mississippi River, generally known as the "Black Hawk Purchase".[61] After the ratification of the treaty by Congress in February, 1833, provisions were made as rapidly as possible for its survey into townships and sections. The surveys were done by contract, and each contractor was given the authority

of a government official by appointment as United States Deputy Surveyor under instructions of the Surveyor General of his district.

It was for one of these contracts and its cognate appointment from the Surveyor General's office that Thomas Cox became an applicant. Through the intercession of his friends, the appointment came from Robert T. Lytle, United States Surveyor General for the Territory northwest of the Ohio, under date of May 6, 1837; and as United States Deputy Surveyor Cox entered into contract with the Surveyor General for the subdivision into sections of townships eighty-four and eighty-five north, ranges two, three, four, five, six, and seven east of the Fifth Principal Meridian in the then Territory of Wisconsin.[62] The townships thus described are now Union, Iowa, Washington, Jackson, Van Buren, Fairfield, Perry, Farmers' Creek, Maquoketa, and South Fork townships in Jackson County, Iowa.

In anticipation of this appointment and in order to be nearer the scene of his labors, he removed early in 1837 to White Oak Springs in Iowa (now Lafayette) County, Wiscon-

sin. This place is in the lead mining region, being about twelve miles northeast of Galena, Illinois. It had been for several years the home of his brother-in-law, Colonel James Collins, who had become a successful mine operator.

His work of surveying in Jackson County was prosecuted through the summer and fall of 1837. Old settlers remember well the jolly party with their ox team and tents and hearty Southern hospitality. Cox's chief assistant was John G. McDonald, a very competent surveyor who had recently removed to Illinois from Indiana. Until the death of Colonel Cox, John McDonald was one of his most intimate and valued associates, and their mutual esteem was manifested in many ways.[63] Other members of the party were Peyton Seamands, Enoch Sells, and Mark Spiles from Macoupin and Sangamon counties. They all took up claims in Jackson County, and all became infected with the California fever of emigration that raged so virulently in 1849 and 1850.

The two tiers of townships which furnished the field for the surveying operations of Colonel Cox and party are divided nearly equally by the Maquoketa River, which flows

in a general easterly direction in that part of its course. The country south of the river was, for the most part, treeless prairie whose gently undulating hills of loess marked the border land of the Kansas glacial drift. North of the river the "beetling crags" of Niagara dolomite and hills divided by the cañon-like gorges of an almost purely driftless area were covered by dense forests of oak, hickory, and sugar maple.

Settlements in the county began in 1833 when James Armstrong, William Dyas, William Jonas, and Alexander Reed abandoned the precarious ventures of lead mining at Galena, crossed the Mississippi at what became the village of "Bellview", and made claims in its immediate vicinity. The beautiful plateau on which the inchoate town began growth the next year, had been the site at different times of Indian villages as one tribe after another occupied the country.

Twenty-five miles farther down the river a grassy plain fronting an opening in the bluffs suggested another landing place for river traders and trappers, and the early French voyageurs had given it the name of Prairie La Pierre. Directly opposite in Illinois, Plum River valley had afforded a high-

way to reach the great river, and a settlement had been made at its mouth which took the name of Savanna.

Two adventurers, Hinkley and Dorman, crossed the Mississippi from Savanna in 1835 and staked out a claim on the west side of the river. In April, 1836, Dr. Enoch A. Wood arrived from Ohio, bought Hinkley's share of the claim, and built a log cabin. Charles Swan and W. H. Brown came the same year, acquired Dorman's interest, and together with Wood platted a town which they named Carrollport. The name was soon afterwards changed to Charleston; but in 1846 it was again changed to Sabula.

With the exception of those two river towns, no settlement can be traced in what became Jackson County until 1836. During that year a party of Kentucky born pioneers — who had lived in Henderson County and in Edgar County, Illinois —crossed the Mississippi at Buffalo, and proceeding directly north finally halted and made their claims near the South Fork of the Maquoketa in what is now Monmouth Township.[64] Another settlement was made by William Morden and others on Farmers' Creek, north of the Maquoketa.[65] Obscure evidence exists,

also, of a settlement in 1836 on Deep Creek, near the present south limits of the county.

When spring opened in 1837 emigration began to flow freely into the Maquoketa River country. The timbered lands north of the river received mostly those who had made halts, long or short, at or about Galena, and had come through the gateway of Bellview. Moreover, these settlers were very largely men from southern Illinois — Kentuckians predominating. Into the more open country south of the river, emigrants came direct from the East — New Englanders, New Yorkers, and two years later Canadian refugees of the Patriot War. Colonel Cox alone brought a veritable colony of relatives and old neighbors. In 1837 his brother, John W. Cox, built the first saw mill in the county. There came also John Cox's brothers-in-law — Morris, Leonard, and Thomas Hilyard, Peyton Seamands, and Samuel McKinley, Ephraim Neville, who had married Cox's sister, and his brother Enoch, crippled by an Indian bullet at Bad Axe, and Seamands's two brothers.

These were all intimate associates, but Colonel Cox also met and came into immediate contact with every settler who came

into the county. His work led to this, and his genial cordiality gave a welcome that won the heart of the lonesome new-comer at once.

During that summer of 1837 he selected a site for his own new home. It was near the north bank of the Maquoketa, about three and a half miles east of the forks, where a trail had already been established leading from Dubuque to Davenport, crossing the river by a rocky ford. A ravine leading down to the river had many fine springs, near the largest of which a good log house was built. Into this home the family removed in the spring of 1838. It was what was called a double cabin — two enclosed buildings connected by a roof which covered an open entrance in the center.

Cox named the farm and locality Richland, and doubtless hoped and expected that it might become the site of a town; but the growth of Springfield and Bridgeport, near the forks, soon forced the main traveled road to a crossing a mile and a half farther up the river, and so his hopes were abandoned.

VIII

Member of the Legislative Assembly

The first settlers in Jackson County in 1833, as in all other parts of what is now Iowa, found no organized government. The country had been acquired by the United States from France as a part of the Louisiana Purchase, which by act of Congress in 1804 was divided into the Territory of Orleans and the District of Louisiana — the latter being that portion lying north of the thirty-third parallel. In 1812 its name was changed to Missouri Territory. In 1821, however, when Missouri was admitted as a State, the remaining portion of the Territory, of which the present States of Iowa and Minnesota formed an important part, was left without any organized government whatever. And it so remained until 1834 when the boundaries of Michigan Territory were extended to the Missouri.

The only white settlements west of the Mississippi in Michigan's new territory at

that time were the few that fringed the Black Hawk Purchase. The Michigan Territorial legislature, therefore, simply divided the whole vast tract into two counties — Demoine County,[66] south of a line drawn due west from the lower end of Rock Island to the Missouri River, and Dubuque County, north of that line. The settlement at Bellview, therefore, was in Dubuque County, Territory of Michigan.

On July 4, 1836, the original Territory of Wisconsin was organized, and the counties of Demoine and Dubuque were made a part of it. The First Legislative Assembly of the new Territory convened at Belmont in October of the same year, and the two counties west of the Mississippi were represented by six members of the Council and twelve of the House. Of these Dubuque County sent three Councilmen and five Representatives; and they were all from the Dubuque settlement or its lead mining vicinity, except John Foley (of the Council) who lived in Bellview. A Dubuque man, Peter Hill Engle, was elected Speaker of the House. Demoine County had gained in population sufficiently to justify its division, and the Belmont legislature carved it into seven new counties.

The second session of the Wisconsin Legislative Assembly convened at Burlington in November, 1837. This was the same body which had met at Belmont the previous year, the Council having been elected for four years and the House for two years.

A delegate convention of representatives of Wisconsin Territory west of the Mississippi also met in Burlington just before the convening of the legislature for the purpose of adopting memorials to Congress on matters affecting the interests of that portion of the Territory. Memorials were adopted asking for changes in the preëmption laws, for a better definition of the southern or Missouri boundary, and for a separate Territorial organization. In this convention the part of Dubuque County now included in Jackson County was represented by William A. Warren, John D. Bell, and John H. Rose — all residents of Bellview.[67] Davenport was represented by Jonathan W. Parker and Joseph T. Fales.

One of the earliest bills passed at the second session of the Wisconsin legislature was an act to subdivide the original county of Dubuque into Benton, Buchanan, Cedar, Clayton, Clinton, Delaware, Dubuque, Fay-

ette, Jackson, Johnson, Jones, Keokuk, Linn, and Scott counties. Jackson County was then given the boundaries which it still retains, but it held legal jurisdiction for several years over the territory of Jones and Linn counties, which lay immediately to the west.[68]

The separate organization of Iowa as a Territory took effect on July 4, 1838, by an act of Congress passed on June 12th of the same year. The Organic Act provided that the members of the first Council and House of Representatives were to be elected by the people, in districts designated by the Governor. In that apportionment a single electoral district was made of the counties of Jackson, Dubuque, Clayton, Delaware, and Fayette. Moreover, the counties of Delaware and Fayette included in their jurisdiction the vast extent of Indian lands extending to the British possessions on the north and the Missouri River on the west, and embracing nearly all of the present State of Minnesota, a part of North and South Dakota and about one-third of Iowa. The only election precinct north of the Turkey River, however, was that of St. Peters or Fort Snelling. This electoral district —

vast in area if not in population — was entitled to send to the First Legislative Assembly of the Territory of Iowa two members of the Council and four members of the House.

And therein lay a political opportunity for Thomas Cox. His age, his experience as a legislator twenty years before, and his wide acquaintance with public men pointed him out as one specially qualified to serve as a law-maker for the new Territory; while the intimate associations into which his vocation had led him with the pioneers who were flooding his county, combined with the large element of personal friends whose emigration he had induced, made it easy for him to secure the united support of the voters of Jackson County.

No reports or traditions of political or personal contest in this first election in the Territory of Iowa have been preserved. The result of the poll was that Dubuque furnished the two members of the Council, in the persons of Stephen Hempstead and Warner Lewis, while the Representatives chosen were Colonel Andrew Bankson, Hardin Nowlin, and Chauncey Swan of Dubuque, and Thomas Cox of Jackson County.

That the election of Thomas Cox was not

wholly agreeable to all of his constituents is plainly shown by the following letter from Governor Robert Lucas which was first printed in Shambaugh's *Executive Journal of Iowa, 1838-1841:*

Executive Department Iowa Territory
Burlington, Oct. 4, 1838.

Sir,

By last evenings mail, I received your letter of the 26th Ulto. — also a communication containing the affidavits of B. Rodefer and others, complaining of the ineligibility of Thomas Cox, to a seat in the House of Representatives of the Legislative Assembly of this Territory. I also, received a communication some days since, dated the 20th Ulto. signed by N. Jefferson and others, containing a similar complaint.

In answer to your enquiries, I can only say that, I regret that any cause of dis[s]atisfaction should arise, as to the qualification of any member returned elected to a seat in our legislative Assembly, but it would be travelling entir[e]ly out of my appropriate sphere of duty as Executive, for me to express any opinion with regard to the eligibility of any person that may be returned as a member elect, to a seat in either branch of the legislative Assembly of the Territory, as each branch has the legitimate right to judge as to the qualification of its own members.

The subject complained of, in your communication, is one that rests between the person returned elected, and his constitutory, and as executive, I have no right to question the correctness of the returns of any elec-

tion that may be officially transmitted to me in pursuance of the Organic law of the Territory, and the Proclamation of the 15th. August issued under it

This being the case you will perceive the impropriety of my expressing any opinion, with regard to the qualifications of persons returned, as members elect of a coördainate branch of the government of the Territory.

With sincere respect,
I am, Your Obt. Sert.
ROBERT LUCAS

JAMES K. MOSS Esqr
Clerk district Court of Jackson
County, Iowa, Territory.

The guarded language of Governor Lucas makes it difficult to guess what was the point of ineligibility as regards Colonel Cox's election of which complaint was made. It seems probable, however, that it referred to the provision in Section 8 of the Organic Act, which declared that persons holding commissions or appointments under the government of the United States should not be eligible to election as members of the Territorial legislature; for Colonel Cox came to the Territory with an appointment as Deputy United States Surveyor, and his work under that appointment was not finished until 1838. The *House Journal* does not in-

dicate that the question of his eligibility was raised in any manner when the legislature met in November, 1838.[69]

The First Legislative Assembly of the Territory of Iowa convened at Burlington on November 12, 1838. The meetings were held in the Zion Church — a building which had been rented for the purpose. The Representatives used as their hall the main floor of the Church, and the Council met in the basement. The Council consisted of thirteen members and the House of Representatives of twenty-six.[70] On the first day of the session Andrew Bankson was made temporary Speaker of the House. W. H. Wallace of Henry County and Thomas Cox were appointed together with a similar committee from the Council to wait upon the Governor and inform him of the organization of the two houses.

It was on the motion of Thomas Cox that the members of the Council were invited to take seats in the hall of the House of Representatives to be sworn into office and to hear the message of his Excellency, the Governor of the Territory.[71]

Robert Lucas, the Governor, was a statesman of experience, having served as legisla-

tor in Ohio fourteen years and as Governor of that State four years. His first message bristled with recommendations of practical value to the pioneer legislators of Iowa who had met to launch into being the new Territory.

On the second day of the session, with six members absent or not voting, the House balloted for Speaker with the result that William H. Wallace of Henry County received eleven votes, John Frierson of Muscatine County four, Thomas Cox of Jackson County two, Andrew Bankson of Dubuque County one, James W. Grimes of Des Moines County one, and one blank. Wallace was a Whig and the political complexion of the House was largely Democratic; but the election was doubtless decided by the preponderance of the delegations from the southern counties of the Territory.

On November 14th a select committee on printing was ordered on motion of Mr. Cox. He was appointed Chairman, with William G. Coop of Henry County and Levi Thornton of Muscatine as associates. This committee became at once a storm center of contests which lasted several days and resulted finally in the selection of Clarke &

McKenny of Burlington to print the *Journal* of proceedings, and Russell & Reeves of Dubuque to print the *Laws*. Cox led the fight for Russell & Reeves against the efforts of James W. Grimes on behalf of James G. Edwards of Burlington.[72]

As to the standing committees which were named on November 15th, Cox was made Chairman of the Committee on Internal Improvements and given a place on the Committee on Militia and the Committee on Roads and Highways. It was on this same day that the contest over the location of the capital began by the adoption of a motion by Mr. Cox "That so much of the Governor's message as relates to establishing the seat of Government be referred to the committee on Territorial Affairs."

The makeshifts necessary to relieve the poverty of the infant parliament of the Territory are illustrated by the passage of a resolution, introduced by Cox on the 16th, "That a committee be appointed by the Speaker to borrow from the gentlemen of the bar of this city, as well as other citizens, such books as may be useful to the different standing committees in drafting laws, &c." Messrs. Cox, Temple, and Delashmutt were

appointed as the committee, and it is presumed that the patriotic lawyers and "other citizens" duly ransacked their shelves and trunks for the valuable literature required.

Later in the winter the House attempted to hold an evening session. The *Journal* records this result: "The hall not being sufficiently lighted, Mr. Grimes made a motion that the doorkeeper be sent for a box of candles, which motion was disagreed to." [73] Mr. Cox then moved that the House adjourn, which was carried on roll call by a vote of ten to nine. On the next to the last day of the session it was "Resolved, That J. B. Whitesides, be allowed the sum of five dollars, for furnishing this House with tin buckets and cups, during the session." Thus was luxury beginning to creep in — their fathers would have used cedar buckets and gourd dippers.

Thomas Cox was ever watchful of the interests of his own section of the Territory, and he was not averse to promoting, if possible, his own investments. He procured the passage of a resolution "That the committee on Territorial Affairs be instructed to inquire into the expediency of establishing a territorial road, on the mail route estab-

lished by Congress, from Du Buque, Richfield, Point Pleasant, and Davenport." Again, he asked leave "to introduce a memorial to Congress, for the purpose of constructing a railroad from Rockingham, by way of Davenport and Richfield to Du Buque." Leave was granted, and Messrs. Cox, Coop, and Bankson were appointed a committee to prepare and report the same. Richfield undoubtedly means his own farm, although he afterwards changed the name to Richland. Rockingham was then a larger village than Davenport its rival.

The establishment of roads and the improvement of transportation facilities were among the most fruitful sources of legislation proposed and passed upon by the legislature. Among other measures was a resolution, moved on November 22d, by Mr. Laurel Summers of LeClaire, that a memorial to Congress be prepared asking an appropriation to improve the navigation of the "Wabesipinacon" River. Mr. Cox moved to add the Big Maquoketa, and Mr. S. C. Hastings asked to have the Cedar fork of the Iowa included — all of which passed.

On December 28th, Mr. Cox was appointed Chairman of a committee to draft a

"memorial asking Congress to have the rapids in the Mississippi River, above Rock Island, examined and surveyed by competent engineers; and that said memorial ask of Congress a donation in land of sufficient value to make a steam boat canal from the head of said rapids to the foot of the same, in the territory of Iowa."

The record shows that scarcely a day passed during the session when Colonel Cox was not in evidence, alert, vigilant, and industrious in all the duties of a legislator. He was frequently Chairman of the Committee of the Whole, which was called to consider nearly every bill that passed; he was on committees to prepare bills nearly every day; and he answered every roll call, except one, during the session — and they were much more frequent then than now.

Two notable contests enlivened this session and did more to bring it into the limelight of history than any other of its transactions. These were (1) the unfortunate controversy with Governor Lucas over his exercise of the veto power and (2) the contest for the location of the capital of the Territory. In both of these matters Colonel Cox bore an active and influential part.

IX

Opposition to Governor Lucas

The act of Congress organizing the Territory of Iowa had provided that "The Governor shall approve of all laws passed by the Legislative Assembly before they shall take effect." Governor Lucas exercised this power somewhat freely, early in the session, by returning bills for correction and by criticizing details in a way that he evidently felt was only offering his wide experience and knowledge of law to aid in perfecting the work of men less skilled in legislation; but his acts sometimes wounded the pride of the members of the Assembly.[74] Then, too, jealousy was fanned by the bitter persistence of Secretary William B. Conway, between whom and Governor Lucas strained relations had resulted from the Secretary's presumption in assuming prerogatives of the Executive before the arrival of the Governor in the Territory.

Open warfare was precipitated when on

January 4th the Governor returned without his approval two joint resolutions. The one earliest in date had been introduced by Colonel Cox on December 3d in the interests of his extensive district and had been passed by the unanimous vote of both houses. It read:

> Resolved, by the Council and House of Representatives of the Territory of Iowa that the postmaster at Davenport, Scott county, be and he is hereby authorized to have the mail from Davenport, to Du Buque, conveyed in two horse post coaches, twice a week during the present session of the Legislative Assembly, and that the post master general of the United States, be memorialized by the Legislative Assembly, to allow and pay the extra expense that may be incurred under this resolution.[75]

On December 10th Colonel Cox was made Chairman of a special committee to memorialize the Postmaster General as provided by the resolution. This memorial, reported on the following day, set forth that the mail was carried from Davenport to Du Buque once a week on horseback and that letters, public documents, and newspapers from members of the legislature to their constituents could not be thus conveyed in due time, but were often delayed at Davenport from week to week. They asked, therefore, that

the mail be carried twice a week in two-horse coaches.

The Governor returned the joint resolution without his approval, giving as a reason that it assumed authority to instruct the Postmaster at Davenport — an officer entirely under the jurisdiction of the Federal government.

The other vetoed joint resolution decreed that the Governor should "within a reasonable time" notify the Assembly upon his approval of a bill. This the Governor declined to do, stating that upon his approval of bills or joint resolutions they were at once deposited with the Secretary of the Territory as required by law.

Mutterings of the coming storm were heard when on the 20th of December a committee, of which Cox was a member, was appointed to prepare a memorial to Congress asking that the Organic Act of Iowa be amended to allow the Legislative Assembly to pass any law by a majority of two-thirds, notwithstanding the veto of the Executive. And the storm broke when the two vetoed resolutions were returned on January 4th. Mr. Grimes immediately moved that a standing committee on vetoes be ap-

pointed. This was done; and the Governor's communication was referred to the committee, which consisted of James W. Grimes, Chauncey Swan, Gideon S. Bailey, Laurel Summers, and Hawkins Taylor. Through their Chairman they made a lengthy report on January 7th, of which the following portion concerns the Davenport mail resolution:

This resolution was unanimously adopted by the Legislative Assembly, upon the suggestion of Northern members, that they were unable to receive petitions or hear from their constituents, or their constituents to hear from them. It was a matter of notoriety, which must have been known, as well by the Executive of this Territory, as by the members of this Assembly, that the mail from Davenport to Du Buque was irregular,— that not a fourth part of the mail could be carried in the bags at one time — that in requesting the Post Master General to defray the additional expense, this Legislature had the example of the Wisconsin Assembly — and that that request was considered reasonable and complied with very readily by the Department at Washington.

The resolution was nothing more nor less, than a call upon the Post Master General to establish, for the present winter at least, a sufficient mail route between Davenport and Du Buque. If power was assumed in that resolution which could only be exercised by the Congress of the United States, the "veto" was perfectly proper; (if it could be exercised at all), but

your committee are not of that opinion. The Legislative Assembly did not stipulate with the Post Master at Davenport, that he should be paid for his extra trouble, by the United States or by the Territory. This Assembly informed him that should the mail be carried in conformity to that resolution Congress should be memorialized upon the subject; but it was still left discretionary with him.

The report, which condemned the Governor very severely and claimed in fact that he had no right of veto, was adopted by a vote of sixteen to six — Cox voting for it, and also for a motion to order one thousand copies printed.

On the 15th of January a resolution was introduced by Colonel Andrew Bankson which declared that "Robert Lucas is 'unfit to be the ruler of a free people' " and ordered that a memorial be sent to the President asking that he be removed from office. The resolution was adopted by the close vote of twelve to ten — Cox voting in the affirmative. The memorial to the President demanded by Bankson's resolution was reported on the 21st and received sixteen votes against eight opposed — Cox again voting in the affirmative.[76]

On the 24th there was introduced a fulsome preamble and resolution of thanks to

Secretary William B. Conway, which contained insulting reference to the Governor. It was voted down by a vote of six to thirteen — Colonel Cox being one of the implacable six. And on the last day of the session (January 25th) his motion was carried that Messrs. Inghram of the Council and Temple of the House be appointed a committee to forward to President Van Buren the joint memorial of the Iowa Assembly that he remove Robert Lucas from the office of Governor of the Territory.

The memorial was not successful. The President accepted the explanations of Governor Lucas as satisfactory; but before another session of the Territorial Assembly convened Congress had relieved the situation by an act which deprived the Executive of the indefensible power of absolute veto and gave to the Assembly the right to pass measures by a two-thirds vote when returned by the Governor with objections.

X

Locating and Naming the Capital City

One of the important matters which Governor Lucas urged upon the attention of the legislature in his message was the location of a permanent seat of government for the new Territory. Under the authority given him by the Organic Act he had chosen Burlington as the temporary capital; but it was realized that, although settlements were as yet confined to a strip of country closely contiguous to the Mississippi River, jurisdiction of the inchoate Commonwealth extended over a vast domain to the westward, whose future population would demand a location more central than any town on the river could be. It was very difficult, however, to find any settlement at a distance from the river large enough to claim the distinction of being called a town.

Moreover, there was considerable rivalry between the northern and southern sections of the Territory. The old County of De-

moine had an overwhelming majority of the population, but it soon became evident that Bloomington (Muscatine) members were disposed to join forces with the representatives of the northern counties. Mount Pleasant in Henry County was the largest village in the Territory not situated on the Mississippi River. It was represented in the Assembly by two members of the Council and three members of the House — one of whom was the Speaker — and they soon secured pledges from the southern members that seemed to make the selection of that town a certainty. The Burlington contingent seems to have abandoned efforts for their own town early in the struggle and, with two exceptions, supported Mount Pleasant loyally, even when tempted by flattering propositions in their own favor. Bloomington, however, was recalcitrant, and its district had strong men to lend aid to their northern brethren in the persons of General John Frierson, S. Clinton Hastings, William L. Toole, and Levi Thornton in the House, and James M. Clark in the Council.

The first record of proceedings is on November 15th, when Colonel Cox moved that so much of the Governor's message as re-

lated to the establishing of the seat of government be referred to the Committee on Territorial Affairs. But there appears to have been no report from that committee until the last day of the year (December 31, 1838) when they brought in a bill providing that Burlington should be the temporary capital for three years and that then Mount Pleasant should be the permanent capital. The bill being considered in Committee of the Whole, the Burlington provision was adopted without much opposition. Then came motions to strike out Mount Pleasant and insert some other location. Twenty-eight different places were thus tried. Mr. Cox moved to insert Black Hawk; Mr. Nowlin moved to insert Bellevue; and Mr. Summers moved to insert Camanche. And so the gamut was run. All the motions were lost and Mount Pleasant emerged from the Committee of the Whole triumphant.

The question then came before the House on concurrence in the report of the Committee of the Whole, and the contest was renewed. The first attack was on the first section of the bill, and Colonel Cox with six others voted to substitute Fort Madison for Burlington as the temporary capital.

Finally, Colonel Cox came forward with an entirely new solution for the problem, drawn, possibly, from his personal knowledge of a similar contest twenty years before in Illinois.

Controversies over the location of the seat of government were interesting incidents in the early legislation of nearly all of the new Commonwealths which the invasion of the West was bringing into the American Union. The usual and expected result of such contests had been the choice of an established town, or at least a regularly surveyed town site with the nucleus of a settlement. But there had been a notable exception when the First General Assembly of the State of Illinois in 1818 had, through a Board of Commissioners, located its new State capital upon four sections of unoccupied government land and had given it the name of Vandalia.

Thomas Cox was a Senator in that First General Assembly of Illinois, and he bore a part in the legislation which decreed that the seat of government should go into the wilderness and the capital city be laid out into lots and sold to its future residents by the State. Government land stretched in al-

most illimitable vastness beyond the narrow fringe of settlements in the Territory of Iowa in 1838, as it had in Illinois in 1818. If a central capital be desired, why not take a leaf from the book of Illinois history: choose a plat of land and make a capital. Such were the thoughts, doubtless, that prompted Thomas Cox to move to amend the second section of the bill as follows:

> Strike out "Mount Pleasant" and insert Johnson, Linn and Cedar Counties, and that commissioners be appointed to locate the seat of government at the most eligible place in either of those counties.[77]

The motion received only eleven votes as against fourteen, but the idea was nevertheless fruitful. It became clear that here was a rallying ground for all who were not entirely satisfied with Mount Pleasant to defeat the aspirations of that place, and also avoid favoring any other existing rival. Nothing more was done, however, in the House in furtherance of the scheme, but the struggle there proceeded on other lines. Mr. Hastings moved to strike out Burlington in the first section and insert Bloomington; and on this motion he secured ten votes, including that of Thomas Cox.

Then a tempting bait was flung out to

Burlington in Hardin Nowlin's motion to make Burlington the permanent capital. Some of the Burlington members were true to their Mount Pleasant pledges and voted against this motion, but it received twelve votes — lacking one only of success. Another motion intervened; and then Hawkins Taylor of Lee County, who had voted against Nowlin's motion, moved to reconsider that vote. The reconsideration carried; and then the Nowlin amendment was adopted by a vote of fourteen to eleven. The vote, arranged geographically was as follows: *Ayes* (in favor of Burlington)— Bankson, Cox, Nowlin, and Swan (Jackson, Dubuque, and Clayton counties), Roberts (Cedar, Jones, Linn, and Johnson counties), Frierson, Hastings, Toole, and Thornton (Muscatine, Louisa, and Slaughter counties), Taylor (Lee County), Bailey and Hall (Van Buren County), Beeler and Blair (Des Moines County). *Noes* (in favor of Mount Pleasant)— Patterson, Brierly, and Price (Lee County), Parker (Van Buren County), Delashmutt, Grimes, and Temple (Des Moines County), Summers (Clinton and Scott counties), Coop, Porter, and Wallace (Henry County).

This alignment differed from the first vote on the Nowlin amendment in that Hawkins Taylor of Lee County and James Hall of Van Buren County now voted for instead of against the amendment.

But the end was not yet. Mr. Taylor moved that the bill be referred to a select committee of one from each electoral district, which motion was carried by a vote of fourteen to eleven. Mr. Cox voted *aye,* but the personnel of the vote was quite different from the former one. The legislature held its regular session on New Year's Day, 1839, and the select committee reported back the bill "with amendments". The *Journal* does not record what the amendments were, but the inference is that the committee, which had been appointed by Speaker Wallace (a Mount Pleasant man) reported back the original plan of Burlington for the temporary and Mount Pleasant for the permanent capital.

The report was adopted by a vote of thirteen to eleven, and then a motion to amend by making Burlington the permanent capital was rejected by the same vote. G. S. Bailey and James Hall of Van Buren and George H. Beeler of Des Moines, having

repented over night, reversed their votes of the day before.

Other routine and dilatory motions followed until the bill finally passed by the same vote of thirteen to eleven. Then Hardin Nowlin moved to amend the title of the bill to read: "A bill to establish two seats of government and to squander the appropriation for erecting public buildings." Six dilatory motions with three roll calls followed; then Nowlin's motion was lost by a vote of six to seventeen. The *ayes* were Cox, Hastings, Nowlin, Roberts, Taylor, and Toole.

The contest was now transferred to the Council, and it became at once evident that the leaven of Colonel Cox's suggestion had worked its full effect on that body, and that a fully detailed plan had received the sanction of all except the members from Henry and Van Buren counties. On the morning of January second the Council received a message from the House that it had passed, among other bills, "An Act to locate the Seat of Government of the Territory of Iowa."

James M. Clark of Louisa County and Stephen Hempstead of Dubuque assumed

direction of the new plan, which was first advanced by a motion of Mr. Clark to strike out the second section of the bill. The vote on this motion disclosed the full strength of both factions in the Council, and was as follows: *Yeas* — Clark, Hempstead, Lewis, Hepner, Inghram, Ralston, Parker, Whittlesey, Browne; *Nays* — Hughes, Payne, Keith, Swazy. Of those who voted in the negative, the first two were the members from Henry County while the other two were from Van Buren County.

Then Mr. Hempstead moved to insert a new second section, which after several verbal changes read as follows:

> Sec. 2. Be it further enacted, That the commissioners hereinafter mentioned, or a majority of them, shall, on the first day of May, in the year eighteen hundred and thirty nine, meet at the town of Napoleon, and proceed to locate the Seat of Government at the most eligible point within the present limits of Johnson County.

This motion was adopted by the same nine to four vote previously recorded.[78]

The Henry County members exhausted every parliamentary device and tested the endurance of the majority by roll calls on amendments at every stage of progress of

the bill, but the stalwart nine held their ground without a break in their ranks. The bill was perfected to six sections, then referred to the Committee on Territorial Affairs and laid over until the next day.

On January 3d the committee reported the bill with an additional section, which was concurred in. Other efforts were made by the Mount Pleasant men to amend or delay its passage, but on the final roll call it secured ten votes — Mr. Keith of Van Buren having joined the majority.

The House took up the bill as amended by the Council on the same day, made some slight changes and then passed it by the bare majority of thirteen to twelve. As compared with the vote on January 1st, when Mount Pleasant won by thirteen to eleven, that town lost the votes of George H. Beeler of Des Moines and Laurel Summers of Scott and gained that of William Patterson of Lee, who had been absent on the first.[79]

When the bill came to Governor Lucas for approval he pointed out defects — which he suggested could be cured by a supplementary act — and withheld his approval until the legislature should perfect their work. A

"bill supplementary to an act for the location of the seat of government" was therefore introduced in the House on the 15th of January. It provided that so soon as the place was selected and the consent of the United States obtained the commissioners should proceed to lay out a town; that after a plat of the town was recorded the Governor should direct a sale of lots to be held under direction of the commissioners, the proceeds of which should go into the Territorial treasury; that the acting commissioner should give bonds; and that the Governor should apply to Congress for a donation of four sections of land.[80]

During the consideration of the supplementary bill Colonel Cox moved to insert in the first section the words, "to be called Iowa City"— and the motion carried. Thus was Thomas Cox not only responsible for the idea which bore fruit in the selection of a site for the Territorial capital upon unoccupied government land, but it was he, also, who gave the city a name. The supplementary act was passed by a vote of sixteen to nine — Cox voting in the negative. The opposition probably expressed to some extent a feeling of resentment towards the

Governor on account of what was regarded as executive dictation in the affairs of the Legislative Assembly.

On the 18th of January the two houses met in joint convention to elect the three locating commissioners, one from each judicial district. For the Third District, Colonel Cox put in nomination his colleague Chauncey Swan of Dubuque. Swan was elected by twenty-nine votes against nine which were scattering. For the Second District, John Ronalds of Louisa County was elected on the first ballot. For the First District five candidates were put in nomination. Four ballots were taken without result. The fifth ballot stood: Robert Ralston of Des Moines County, twenty-three votes; John Claypoole, thirteen; and Colonel Cox, one. The original and the supplementary acts were both approved by the Governor on January 21, 1839.

XI

Surveying the Capital City

The act locating the Territorial capital at Iowa City provided that the locating commissioners should employ one or more competent surveyors and assistants, have six hundred and forty acres laid out into lots, out-lots, streets, squares, and alleys, and have the town platted. Two of the commissioners (a majority) had, with much tribulation, succeeded in meeting at the town of Napoleon by midnight of the 1st day of May, 1839,[81] as required by law, and had selected as a site for the future city, Section ten, Township seventy-nine north, Range six west of the Fifth Principal Meridian.

This site had the Iowa River as its western boundary, and was very near the geographical center of Johnson County. It was about a mile and a half north of the projected town of Napoleon, which contained only two or three buildings. A part of the site was covered by the claim of a pioneer

farmer, but no improvements had been made. The entire tract was in its wild and natural state of gently undulating hills, covered with a park-like growth of mingled forest and prairie.

On the twenty-seventh of June a meeting of the commissioners was held at which it was ordered that Thomas Cox and John Frierson be employed to survey Iowa City and that L. Judson be secured to draw the necessary plats. Colonel Cox's colleague as surveyor had been a consistent opponent of Mount Pleasant and had supported the Iowa City idea from its first suggestion. To assist in the work Colonel Cox brought with him John G. McDonald, the able deputy who had aided him in the survey of the Jackson County townships.

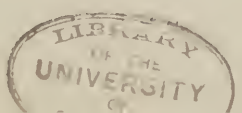
The surveyors began their labor on the 1st day of July, 1839. On the fourth all work was suspended for a celebration of Independence Day.[82] The settlers for miles around gathered on the site of the future capital. A tall young oak, standing on the spot which the Old Stone Capitol now occupies, was stripped of its branches, and the stars and stripes were unfurled from its top to wave for the first time over Iowa's capi-

tal city. A picnic dinner was served; the Declaration of Independence was read; toasts were responded to; and General Frierson, standing in a wagon, delivered an oration "far surpassing in eloquence and ability the average productions on similar occasions."

Commissioner Swan, who had been selected as Acting Commissioner in charge of the work, in a report to the Assembly says:

> It is a well known fact, especially to surveyors, that this is a very unfavorable season of the year for surveying in the western country, in consequence of the luxuriant growth of vegetation, accompanied by the heavy dews that prevail at this season of the year, making it almost impossible to commence the labors of the day at anything like an early hour, without exposure to sickness and death. The consequence is that only about two-thirds of a day's labor can be performed in twenty-four hours.[83]

It was necessary to make a special survey of township seventy-nine at the same time in order to comply with the act of Congress which directed that the location of the capital site should be upon surveyed lands. This township survey was made under direction of John Frierson, who was appointed by the Surveyor General of Iowa and Wisconsin as a special deputy for that purpose.


LIBRARY OF THE UNIVERSITY

The bounds of the capital town were defined by the section lines thus established, and a permanent monument was set up to mark the southeast corner of the section. It is a shaft of rough, gray, limestone about twelve inches square, and about six feet high. It stands today on the edge of a fine lawn of one of the beautiful homes on Summit Street and is festooned by a natural growth of American ivy making it an attractive feature of the landscape, as well as a novel historical relic. There are two inscriptions on this historic landmark.

EAST SIDE

M. VANBUREN
President of the U. S.
and
R. Lucas
Gov. of the Territory

WEST SIDE

IOWA CITY
The Capital of
Iowa Territory
as situated on
Section No 10.
Township 79 N. R.
6 W of the 5th Pr M
located
May 4th 1839
by Messrs
Chauncey Swan
John Ronalds
and
Robert Ralston
Commrs & Surveyed
by Messrs
Cox Frierson & Judson
under the direction of
C. Swan Actg Com

On the surveying of Iowa City Acting Commissioner Swan reports as follows:

It required over two thousand stakes to be used on the location, and something like fifty hewed posts from six inches to one foot square, and from six to nine feet long for the corners of the town plat, the public square, and reservations. For boarding the surveyors and hands employed, I paid at the rate of four dollars per week. The amount paid for surveying, including all the expenses of surveyor's hands, teams, setting of posts, and the necessary plats of the city, as per receipts in my office, is $1,476.99.

XII

Member of the Second Legislative Assembly

The Territorial elections of 1839 were held in August, and so the Democratic caucus to nominate legislative and other candidates was held during the absence of Colonel Cox at Iowa City. A change had been made in the northern electoral district by which Jackson County was allowed to elect one member of the House of Representatives, the other counties joining in the election of the other three. Cox entertained no doubt that his party was united in supporting him for a reëlection. He especially relied upon the aid of a Bellevue hotel-keeper by the name of W. W. Brown, with whom he had associated on terms of cordial friendship. His surprise and indignation can be imagined, therefore, when he learned that Brown had so manipulated the convention as to obtain the nomination for himself.

Immediately upon his return home the

Colonel announced himself as an independent candidate. Suspicions were becoming rife that Brown was not entirely innocent of connection with gangs of horse and cattle thieves and counterfeiters that seemed to infest the timber country and who were suspected of being frequent guests at his hostelry. Blinded by his liking for the genial boniface, Colonel Cox had refused to share in the distrust felt by many of his neighbors until his eyes were opened by the rank treachery of his whilom friend. Closer investigation revealed damning evidence which was used with effect in the campaign which followed, and Cox was reëlected by a round majority.

The Second Legislative Assembly of the Territory of Iowa convened at Burlington on the fourth day of November, 1839.[84] Colonel Cox found among his colleagues in the House of Representatives only six who had been members the previous session. Lee County had returned Colonel William Patterson; Van Buren County, James Hall and Dr. Gideon S. Bailey; Henry County, William G. Coop; Muscatine County, S. C. Hastings; and Scott County, Laurel Summers. Some notably strong men appeared among

the new members. Shepherd Leffler of Burlington became a member and President of the Constitutional Convention of 1844, was elected to Congress when Iowa was admitted as a State in 1846, and to that position was twice reëlected. Edward Johnston, who was a leading lawyer of Keokuk, and a magnificent specimen of physical manhood, became at once prominent in his legislative career. He was District Attorney for the Territory in 1845 and 1846.

The Representatives from the Dubuque-Clayton district — all new men — were: General James Churchman, a brilliant lawyer, but somewhat eccentric; Loring Wheeler, a New Hampshire man who had come to Dubuque with the first settlers in 1832 and had previously served in the first Wisconsin Assembly; and Edward Langworthy, also an 1832 settler and one of the principal lead mine owners. At the close of his legislative term, Wheeler removed to De Witt, in Clinton County, becoming the original proprietor of that town site.

When the election for Speaker came on, Mr. Hastings nominated Edward Johnston of Keokuk. Mr. Wheeler nominated James Churchman of Dubuque. These were party

nominations — Hastings and Johnston being Democrats, and Wheeler and Churchman, Whigs. The result of the ballot was as follows: Johnston, seventeen; Churchman, six, Thomas Cox, one; Alfred Rich, one. During the election of minor officers Mr. Langworthy nominated for Doorkeeper, John G. McDonald of Jackson County (Colonel Cox's intimate friend and associate in his surveying operations) and he received the whole number of votes given.

On the second day of the session Cox was appointed on a committee to prepare standing rules for the House and on a committee to draft a memorial to Congress on the subject of mail routes. When the standing committees were appointed he was made Chairman of the Committee on Internal Improvements, and a member of the committees on Militia and on Territorial Affairs.

The session of the Assembly had but fairly begun when the members were shocked by the news of the death of the brilliant but erratic Secretary of the Territory, William B. Conway. The unfriendly relations from which Governor Lucas had suffered during the previous session were thus ended, but in a way which he could not

have at all desired. Secretary Conway was succeeded in office by James Clarke, a native of Pennsylvania. Clarke had established a newspaper at Belmont, Wisconsin, in 1836, when it was made the capital of that Territory, but had removed it to Burlington with the removal of the capital. His paper bore the name of the *Iowa Territorial Gazette,* and under the title of the *Burlington Gazette* is still published. Mr. Clarke was a son-in-law of General Henry Dodge, Governor of Wisconsin Territory, and was afterwards appointed by President James K. Polk the third Governor of the Territory of Iowa.

As in the preceding session Colonel Cox, not being a lawyer, took little part in the enactment of laws affecting legal procedure, but in the practical matters indicated by his committee assignments and in the details of parliamentary routine he was much in evidence and was recognized as a leader. On the twenty-sixth of November the Committee on Territorial Affairs, of which he was a member, presented majority and minority reports on the advisability of seeking for the admission of Iowa into the Union as a State.

The conclusions of the majority were that the time had not yet arrived when the sparsely settled Territory could safely assume the responsibilities of Statehood. This report was signed by James Churchman, Thomas Cox, Laurel Summers, and George H. Walworth. The minority report favoring action leading to admission as a State was made by Alfred Rich of Keokuk. The majority at the close of their report submitted the following:

> Resolved, that it is inexpedient to take any preparatory steps for admission into the Union at the present session of the Legislative Assembly.

This resolution was adopted by a vote of twenty-one to four — the negative votes being Hall, Patterson, Rich, and Johnston (Speaker). It may be noted, though probably the fact is without special significance, that the majority of the committee were from the northernmost districts, and the minority votes for Statehood were all from the extreme south of the Territory.

The changed conditions produced by the act of Congress in regard to the veto power of the Governor evidently had little effect on the mind of Colonel Cox in his view of the question involved — if we may judge by

his votes during this session. In no case in which vetoed measures came up for reconsideration did the Colonel cast a vote to sustain the Executive. The veto by Governor Lucas of the legislative resolutions on the Missouri boundary dispute will receive mention in another chapter.

A veto, on December 19th, of a bill to create the office of public printer was made on the ground that the Organic Act did not permit appointments by an election by the legislature on joint ballot. This was a topic of acute difference at the previous session, and Cox was one of eight who wished to overrule the Governor's opinion. An exactly similar situation was presented in a bill to appoint a librarian by joint ballot. The Governor's veto was sustained by a vote of sixteen to six — Cox being one of the six. And when another bill was introduced to appoint a librarian on the Governor's terms, Mr. Cox moved to reject the bill; but in this opposition he obtained the support of only one other member, Mr. Langworthy.

XIII

The Boundary Dispute

During the second session of the Territorial Assembly a dispute which had arisen between the authorities of the State of Missouri and those of the Territory of Iowa regarding the boundary line which separated the two jurisdictions came to a crisis which was met in a manner well illustrating the martial disposition of the early pioneers.[85]

The enabling act, by which Congress in 1820 authorized Missouri to form a State government, in a clumsy attempt to make the north boundary of that State conform to what was known as the Indian Boundary Line or Sullivan Line of 1816 had used the words "rapids of the river Des Moines" as a point on that Indian boundary, when in fact no rapids exist in the Des Moines River. The term evidently referred to the Des Moines Rapids of the Mississippi River.

The same ambiguous language defining

its northern boundary having been incorporated into the Constitution of the State of Missouri, the legislature of that State in December, 1836, ordered a new survey in which the old Indian boundary line was ignored. The surveyor detected a riffle in the current of the Des Moines River at low water in the great bend near Keosauqua, and despite the fact that the term "rapids of the river Des Moines" had never been applied to this or to any other point on the Des Moines River, he selected it as his point of departure and ran a line due west. This line was about thirteen miles north of the old northwest corner of the State of Missouri, and so appropriated for that State a strip of land which had been settled by claimants who regarded themselves as citizens of the Territory of Iowa.[86]

Threatened attempts on the part of Missouri authorities to collect taxes in the disputed tract aroused a formal protest by the County Commissioners of Van Buren County to Governor Lucas in July, 1839. This was followed by a series of proclamations and counter-proclamations by Governor Lucas and Governor Boggs of Missouri.[87] Lucas insisted that, as a Territory, Iowa

represented the United States in the controversy and should abide strictly by the decision of Congress, but until that was given the boundary which had been recognized by the general government would be maintained.

The rumored mobilization of troops on the part of Missouri to invade the disputed strip and the serious aspect of affairs on the border prompted Governor Lucas some time later to notify the three Major Generals of the militia to hold themselves in readiness at any time to supply the United States Marshal for the Territory with whatever armed forces he might require as a posse comitatus; and a number of companies recruited for this purpose in different parts of the Territory took up the march toward the scene of action in Van Buren County. Moreover, as a preliminary to any military operations it was deemed wise to send an embassy to meet and come to an understanding with the authorities of Missouri. General Augustus C. Dodge, James Churchman, and James A. Clark were selected to act as such embassy. They departed at once for the hostile camp at Waterloo, Missouri.[88]

The excitement in Zion Church at Burlington, where the legislature was in session, was intense, and is reflected by the records in the *Journal.* Near the close of the session of the House, on December 6th, Alfred Rich offered the following:

> Whereas, we have recently received intelligence that a certain set of men acting under color of authority from the state of Missouri, have been committing outrages upon the persons and property of our citizens. And,
>
> Whereas, companies of armed men are infesting our southern border, plundering our citizens and stopping our mails. And, further, it is expected that a portion of our Territory will shortly be invaded by a hostile force, therefore,
>
> Resolved, That it is the duty of this House to adjourn to some subsequent day to aid in protecting the rights of our citizens.[89]

The debate that followed does not appear in the *Journal,* but we can well imagine its character. It ended, however, in the adoption of a motion by Hon. James Hall of Van Buren "that the preambles and resolution be laid on the table until tomorrow." No further action on this particular resolution seems to have been taken, or the matter brought up again in any form until the ninth, which was the following Monday.

In the meantime the Iowa embassy, General Dodge and his companions, had reached Waterloo, the county seat of Clark County, Missouri, where they found that more peaceful counsels had prevailed: the County Court had rescinded their order for the collection of taxes in the disputed tract; General Allen and his forces had withdrawn; and a special delegation had been sent to wait upon Governor Lucas and the Iowa legislature at Burlington. On receiving this information the embassy returned to headquarters, and the Iowa forces were disbanded and permitted to return to their homes.

Colonel McDaniels and Dr. Wayland, the representatives of Clark County, found Governor Lucas very firm in his refusal to negotiate upon any terms, since he contended that the dispute was with the United States, and that the Territory of Iowa had no jurisdiction or authority in the premises. Their interviews with members of the legislature, however, resulted in action by that body. It was on the 9th of December that Shepherd Leffler of Burlington introduced into the House the following verbose preambles and resolutions:

Whereas, an unfortunate crisis has arrived in the difficulties hitherto existing between the State of Missouri and the Territory of Iowa, in relation to the boundary line between the two governments; and

Whereas, the Territory of Iowa under any circumstances, would deprecate any military collision between the forces of said State and Territory, fully believing that the most friendly feelings exist between the great mass of the citizens of the respective parties; and

Whereas, the organic law of said Territory renders it impossible for the constituted authorities of said Territory to accede to the propositions hitherto made by the citizens of Missouri, although they fully reciprocate the kind feelings evinced by the late delegation, from the county court of Clarke county. Therefore

Resolved, by the Council and House of Representatives of the Territory of Iowa, That the officers now on duty on the part of the State of Missouri be respectfully requested to suspend all further military operations on the part of the said State until these resolutions can be submitted to his Excellency, Governor Boggs.

Resolved, That his Excellency Governor Boggs, be requested to authorize a suspension of hostilities on the part of the State of Missouri until the first day of July next, with a view of having the unfortunate difficulties now existing between the State of Missouri and the Territory of Iowa adjusted by the action of Congress.

Resolved, That his Excellency the Governor of

Iowa be requested to suspend all further military operations until the decision of his Excellency Governor Boggs, may be obtained relative to the propositions herein contained.

Resolved, That a committee of three on the part of the House of Representatives be appointed to act in conjunction with a similar committee on the part of the Council to submit these resolutions to the civil and military authorities of the State of Missouri, and to confer with the said authorities on the propositions herein contained.[90]

The rules were suspended at the different stages of legislative procedure, and the resolutions were brought to a vote without other business intervening and passed without a roll call. Leffler, Bailey, and Patterson were appointed a committee under the fourth resolution. The Council passed the preamble and resolutions with amendments to which the House agreed. During the same day other startling intelligence must have arrived, by what during the Civil War received the suggestive name of "grape vine telegraph"; for the *Journal* records that Dr. G. S. Bailey of Van Buren County offered the following:

Whereas, intelligence has just arrived that an armed force in the State of Missouri, consisting of six thousand men strong, are on their march to take

possession of the tract of land now in dispute between the State of Missouri and this Territory, And whereas, such intelligence calls loudly upon this House for an adjournment in order to assist our citizens in maintaining peace or aiding them in the defense of their rights; therefore

Resolved, by the Council and House of Representatives of the Territory of Iowa, That the Legislative Assembly do now adjourn till the 20th of the present instant.

The rules were suspended, the House went into Committee of the Whole under the chairmanship of Loring Wheeler of Dubuque and reported back the subject without amendment, when, on motion of J. C. Hawkins of Burlington, the preambles were stricken out. Finally, on motion of Leffler the resolution was laid on the table and the House adjourned until Friday.

Governor Lucas did not take at all kindly to the Leffler resolutions, since he regarded them as contravening his position that the Territory of Iowa had no jurisdiction to make terms or settle a dispute that belonged wholly with the general government. He set forth these views at length in a message sent to the legislature on the 17th of December, in which he returned the resolutions without his approval.

In the House a majority sufficient to pass the resolutions over his veto stubbornly adhered to their opinion of the wisdom of the measure. The vote stood fourteen to six, Cox voting with the majority. Probably part of that vote was an echo of the controversy of the previous year. Those voting to sustain the Governor were Churchman, Langworthy, and Wheeler of Dubuque, Lash and Myers of Henry, and Walworth of Jones. On the next day a motion to print twelve hundred copies of the preamble and resolutions, together with the veto message of the Governor, was carried by a vote of twenty to four, Churchman, Langworthy, Lash, and Myers casting the only negatives.

Governor Boggs and the Missouri authorities took advantage of the conciliatory tone of the legislative resolutions to retreat with dignity; and the controversy finally closed with a decision of the Supreme Court of the United States in 1848 declaring the Sullivan Line the true and proper southern boundary of Iowa.

XIV

A Gang of Thieves and Outlaws

When Colonel Cox returned home after the adjournment of the legislature in January, 1840, he found his county in a state of intense excitement over developments in regard to the existence within its limits of a regularly organized gang of criminals, who were responsible for thefts of horses and cattle and the passing of counterfeit money. These acts which had become alarmingly prevalent finally culminated in an altercation in which one of the outlaws had been killed and his slayer, a valued citizen, was in imminent danger of being sacrificed.

Subsequent developments make it clear that at this time a tract of country embracing southern Michigan, northern Indiana, and northwestern Ohio was infested with gangs of outlaws who, under the guise of respectable farmers and business men, were actively engaged in stealing horses, coining spurious money, and perpetrating other

criminal acts. At convenient points throughout the country there were "stations" — generally some farm house where horses were received from a distant point and those stolen from near by secreted until they could be removed to another station of the chain. Thus the stolen property could be sold at a distance from the locality where it would have been known and recognized. As new settlements came into existence farther west the nefarious scoundrels took advantage of the opportunity to extend the field of their dastardly operations. Thus vice as well as virtue followed the flag to new acquisitions.[91]

In 1837 a small party of emigrants came to Bellevue from Coldwater, Michigan. They were intelligent men, drove good teams, brought plenty of furniture, and seemed in better financial circumstances than most of the pioneers of the day. The evident leader of the party was one William W. Brown, a man of fine personal appearance and engaging manners. The party all bought lots in the village from original claimants — no land as yet being in the market from the government. Brown, moreover, purchased from Peter Dutell a newly erected two story

frame building and opened it as a hotel. This business brought him into close contact with all the settlers of the little village and new arrivals therein, with whom his genial, generous disposition made him at once a prime favorite. His wife, too, was a handsome, accomplished lady whose womanly manner and kind ways won her an esteem and respect which subsequent events had no power to weaken.

Brown at once became active in political matters, and his unscrupulous character was shown in connection with the first organization of Jackson County. The Wisconsin Territorial legislature had met at Burlington in the fall of 1837, and during that session had subdivided Dubuque County, creating among others the County of Jackson. It became necessary for Governor Dodge to appoint a Sheriff whose first duty would be to take charge of the organizing of the new county. When William A. Warren of Bellevue called upon the Governor to suggest a candidate for the place he was confronted with a petition signed by a long list of names from Bellevue, asking for the appointment of W. W. Brown. Governor Dodge regarded this as so evident an indication of the

choice of the people that he resolved to accede to the prayer of the petition. The next day he sent for Warren and showed him his own name signed to the petition, a matter which had been overlooked on first examination.

The mystery was explained. A petition had been circulated asking certain action in regard to the northern boundary of the county, but the legislature having already settled the matter the paper was not sent. Mr. Brown cut off the head of the petition and attached another asking for his own appointment as Sheriff. The Governor finally settled the matter by appointing William A. Warren as organizing Sheriff — a position which he held by successive appointment and elections until 1845.[92]

During the first winter of his residence in Bellevue, Brown engaged in cutting wood on the island opposite the town, which he sold to steamboats for fuel; and in this work he employed about twenty men. Counterfeit money which began to appear in circulation at this time was frequently traced to the possession of Brown's men. Moreover, there were always boarders in Brown's hotel whose means of support were not obvious.

Depredations on the property of settlers grew frequent, cattle as well as horses being stolen.

Similar complaints came also from the scattered settlements in Jones, Cedar, and Linn counties, followed by a proposition that a Protective Association be formed to aid in ferreting out the robbers. Colonel Cox, with Sheriff Warren and James K. Moss of Bellevue — who in 1838 had been appointed the first Probate Judge of the county — proceeded to Linn Grove, in Linn County, to assist in the organization of such a society. They crossed the Wapsipinicon where Fairview is now located, and were joined there by some Jones County settlers. The meeting at Linn Grove was well attended by delegates from Cedar, Linn, and Jones counties, and a "Citizens' Association" was fully organized. Colonel Cox made a speech expressing his strong detestation of the lawless acts that were becoming prevalent and urging the honest settlers to band together and stamp out by the most effective measures the criminals who were staining the fair fame of the new Commonwealth.

Brown's engaging manners, nevertheless, continued to gain him friends, and in 1839

he obtained a commission as Justice of the Peace. He made a practice, also, of appearing before the courts as counsel, or pettifogger, and in that capacity frequently defended his boarders, who could not always escape suspicion and arrest for the prevalent crimes that were exasperating the community. Alibis were always proved and by the same set of witnesses.

Early in 1839 one Thomas Davis, who lived at the forks of the Maquoketa, lost a yoke of fine oxen which, however, were found hidden in Bellevue where they had been taken by a neighbor named Groff. Later a horse which Groff claimed to have bought of Brown was discovered to have been stolen from Illinois and was given up to the owner. Davis accused Groff of both thefts. The two men met in Bellevue in April, 1839, when Groff shot Davis with a gun which he had borrowed from Brown. The trial of the homicide came on at a special term of court and he was acquitted on the plea of insanity.[93]

Thus the suspicion that Brown's hotel was a rendezvous for criminals and that Brown was an abettor of their acts if not a leader grew into conviction in the minds of many

of the best citizens of the county. Colonel Cox, however, had great confidence in Brown's personal probity until his treacherous character was revealed in the convention of which mention was made in a previous chapter.

It was shortly after this that a former Sangamon County colleague and intimate friend of Colonel Cox, Mr. Ebenezer Brigham, then a member of the Wisconsin Territorial Assembly residing at Blue Mounds, appeared at Bellevue with a friend in search of a span of stolen horses. His description of the animals convinced the Sheriff that they were a pair that had been taken by him a few weeks before from one of Brown's boarders under suspicion that they had been stolen, but which through the connivance of Brown had been reclaimed by a pretended owner and removed across the river. When Colonel Cox learned the truth in regard to his friend's loss he declared open war on Brown, and from that day never relented in his hostility towards him.

One of the most notorious of the criminals making his home at Brown's hotel in 1839 was James Thompson. He was particularly active in passing counterfeit money, for

which he was twice arrested — but was discharged through the efforts and testimony of his associates. He was again arrested, together with one William Fox, for robbery of stores in Galena, W. W. Brown being charged with receiving the stolen goods. All were discharged, however, on technicalities.

Among those most active during the fall and winter of 1839 in efforts to bring to justice the desperadoes was James C. Mitchell, an energetic business man of influence and high character. He thus incurred the bitter hatred of James Thompson in particular. who at different times indulged in hostile threats. As Jackson Day, January 8, 1840, approached preparations were made for its observance at Bellevue by a grand ball, as was then the usual custom. Mitchell, as one of the managers of the occasion, insisted that Brown and his associates should not be allowed to participate in the festivities, a position which was endorsed by the other managers. Thompson, incensed by this ostracism and influenced by deep potations of whiskey, got together a few other desperate spirits and proceeded to rob Mitchell's house during his absence at the ball. Besides removing many valuables from the

house, they found therein a young lady relative of Mitchell's who had remained at home. To this young lady Thompson offered such indignities that she escaped in scanty attire and reached the ballroom nearly dead from fright and exhaustion.

Mitchell soon learned the damning facts, borrowed a pistol, and started out alone to find Thompson who, indeed, had determined to finish his night's work by killing Mitchell. Along with Absalom Montgomery — a notorious character living near the forks of the Maquoketa —Thompson started towards the ballroom, a pistol in one hand and a bowie knife in the other. The two men met on the street; and, despite the warning of Montgomery who tried to dissuade them from violence, they approached within a few paces. Both attempted to fire, but Mitchell's weapon alone was discharged and Thompson fell shot through the heart.

Montgomery found Sheriff Warren and they were the first to visit the corpse. Mitchell returned to the hotel in which the ball was held and surrendered himself to Deputy Sheriff James F. Hanby. Thompson's friends, to the number of fifteen or twenty, deeply incensed at his death, made

their appearance at the place of Mitchell's refuge and demanded his surrender. Mitchell, with two friends who were armed, and the women of his family, retreated up-stairs. Here by their threatening attitude they kept off the assailants until the Deputy Sheriff brought Sheriff Warren to the scene. He assured Brown, who was one of the party, that Mitchell would be kept in custody of the law; whereupon Brown persuaded his wild followers to disperse.

There being no jail in the county at the time, Mitchell was kept in irons in a room under guard for a time, and then, by the authority of the County Commissioners, he was placed under guard in his own house, it being deemed most necessary to secure his protection from mob violence as his attempt to escape was not feared. During his detention a plot was laid by Fox, Long, and three others to blow up the house and thus destroy Mitchell and his family. A can of powder was stolen from the store of James K. Moss and placed in the cellar; a train was then laid and fired by the conspirators. But one of their number weakened and secretly left a gap in the train of powder leading to the can; and so the effort was without result.

The real facts were not discovered, however, until the next day when the repentant bandit disclosed to Sheriff Warren the facts of the plot which were verified by finding the can of powder in the cellar and by the discovery that Mr. Moss's powder had been stolen. No arrests were made, however, as that would have involved the exposure of the informer, which at that time seemed inadvisable.

About the same time two gentlemen from Freeport, Illinois, had come to Bellevue in search of stolen horses and had recognized their property in a pair that had recently been sold by Brown. Attempts to reclaim them were resisted by Brown, who represented that he bought them from two young men in his employ who had brought them from Missouri — assertions which were backed up by the young men and others. The young men were William Fox and John Baxter, both of whom were in the gang which robbed and murdered Colonel Davenport five years later. The purchaser of the horses,[94] convinced that Brown's story was not true, gave up the animals.

The number of crimes accumulated. Dennis Collins, living south of the Maquoketa

River, was beaten almost to death by two men and made to give up what little money he had. The men were tracked to Bellevue, and Mr. Collins, unable to sit up, was taken there on a bed with an ox team and positively identified the rascals. Three of Brown's friends swore that they had played cards with the accused all night on the night of the robbery, and they were acquitted.

Again, Bartholomew Corwin, a refugee from the Canadian Patriot War, had a family of little children and a sick wife. He was out of money but had a good team of horses. To procure necessaries for his family he sold the horses to two men who paid every dollar of the purchase price in counterfeit money. He found the horses in Brown's stable; but Brown refused to give them up and so the poor man lost both horses and money.

These crimes and the evidence of an organized band who by false swearing would prevent the conviction of any of their number by process of law thoroughly alarmed the honest citizens of the community who after consultation appointed a committee consisting of Sheriff Warren, Anson Harrington, John T. Sublett, and William Dyas.

The men proceeded to Dubuque to lay their dilemma before District Judge Thomas S. Wilson and United States District Attorney Crawford. Judge Wilson protested against anything like mob violence and assured the committee that the arm of the law would protect the people. He finally advised that an information be filed charging Brown and his associates with conspiracy to commit depredation, and thus prevent them from testifying in each other's behalf.

Judge Wilson, in a letter written September 30, 1879, says of the affairs of this period:

> I was Presiding Judge of your County for several years prior to 1840, and know that the criminal docket in Jackson showed the worst state of things there of any county in my district. The criminal docket showed crime from the highest to the lowest degree. A conviction for crimes was simply impossible. Brown stood ready to prove an alibi, or would manage some way to obtain an acquittal whenever one of his band was brought before the courts.[95]

An information embodying the views of the Judge was drawn up by District Attorney Crawford. It charged W. W. Brown, William Fox, Aaron Long, and twenty others as confederated together for the purpose of thieving, passing counterfeit money, rob-

bing, and committing other depredations, to the great injury and annoyance of the community in which they lived and to the detriment of the public in general. It was sworn to by Anson Harrington (who was honored the next year by election as Probate Judge of the county), and the warrant was issued by Charles Harris, a Justice of the Peace living in Farmers' Creek Township about sixteen miles west of Bellevue. This was on the 25th of March, 1840.

XV

A Battle with the Desperadoes

Brown was soon informed of the existence of the warrant; but he bade defiance to the Sheriff and claimed that the law would not justify such wholesale arrest. He agreed to surrender himself if that would satisfy the warrant, but said that the others named had sworn they would never be taken alive and that he must stand by them. The situation being reported by the Sheriff, a meeting was held at the store of Probate Judge James K. Moss which was attended by the most prominent citizens of the town, by Colonel Cox, County Commissioner William Morden, and several others from other parts of the county. After due deliberation it was decided that Sheriff Warren and Colonel Cox should visit the different townships and invite leading citizens to assemble at Bellevue on the first of April, and by the show of force prevail upon Brown and his men to peaceably submit to the law.

The gang soon learned what was contemplated and became boldly defiant, going so far as to place a red flag in front of Brown's house inscribed "Victory or Death". This convinced the Sheriff that his posse should be well armed, and so he deputized Colonel Cox to bring in forty armed men. With his accustomed energy the Colonel rode through the central and southwestern townships with a call to arms. In the country south of the Maquoketa River the response was not at all hearty. Indeed, there was little community of interest at that time between the people on opposite sides of the river. There were no bridges and few fords, so that, except in winter when the ice afforded safe crossing, the inhabitants of the south part of the county seldom visited Bellevue and therefore had not shared to any great extent in the menace of lawlessness that threatened the people of the county seat.

Among his immediate neighbors, however, the Colonel found ready support of the most effective kind. A fortunate chance, too, brought him the voluntary aid of one whose presence lent the moral support which high civic and military honors give. His brother-in-law, Colonel James Collins of White Oak

Springs, Wisconsin Territory, was making a visit with his wife to her mother, Mrs. Jane Robinson Cox, who made her home with her son, John W. Cox, about three miles from the home of Colonel Thomas Cox.[96] Colonel Collins readily volunteered to join with his brothers-in-law, Thomas and John Cox, in the demonstration to be made at Bellevue. There were several other Black Hawk War soldiers who had made their homes in Jackson County; and, with very few exceptions, they obeyed the promptings of their military training and took their places in the ranks of Colonel Cox's posse.[97]

Sheriff Warren undertook a canvass of the southeastern part of the county, and spent the night of March 31, 1840, at Charleston (now Sabula). His only recruit, however, was James McCabe— a jolly Irishman who had fought in the Black Hawk War and dug lead at Dubuque, but who was now living on a claim close to Charleston. When within a few miles of Bellevue they were joined by Colonel Thomas J. Parks, a prominent citizen, and by Alexander Reed, who was one of the very earliest settlers in Iowa, having crossed the river in 1833. They also overtook Andrew Farley from the Deep

Creek settlement (south of the Maquoketa River) who was on his way to the mill at Bellevue. Farley had not been notified to appear in the posse and was unarmed, but he appeared to be in full sympathy with the movement and accompanied Warren's party to the village.[98]

Arriving at Bellevue they found Colonel Cox and his posse quartered in a small hotel four blocks below Brown's house. At the latter place a red flag fluttered and armed men were promenading the streets. After consultation with his friends the Sheriff, with some trepidation, proceeded alone to the hostile fortress, with the design of reading the warrant and demanding a surrender. Brown readily admitted him and called up the parties named, who listened to the warrant but defied him to take them into custody. Brown was then privately shown the letters with which the Sheriff had been intrusted, which advised him not to place himself in defiance of the law. He then agreed that if four citizens whom he named would come and give a pledge with the Sheriff that his party would be protected from violence they would surrender as demanded.

The Sheriff returned to his posse and re-

ported Brown's proposition to be that he would agree to appear and answer at the next term of court and would give his own bond for the appearance of his followers. This did not meet the approval of the posse, and discussion followed for nearly an hour. Colonel Cox urged strongly that Brown's proposition be accepted, and it was finally agreed to. John T. Sublett (County Treasurer), H. R. Magoun, George Watkins, and Jerry Jonas, the men selected by Brown, started with the Sheriff to give the pledge of protection required.

When nearly there they were halted by Brown and some of his armed associates, and Sheriff Warren was asked to come in alone for a further interview. He complied and his companions returned to their party. Upon entering the house he was surrounded by the inmates, who were becoming very drunk and boisterous, and was informed that they proposed to defend themselves from arrest and that he would be held as a hostage and would be the first man shot if the house should be attacked.

Parley ensued. Warren assured the excited men that if he should be harmed, the force sustaining him was large enough to

wreak a terrible revenge for their treachery. Fifteen minutes passed thus, when a cry was raised from the porch that Cox and his men were forming in the street for an attack. Brown ordered his men to their posts and thrust Warren out with an appeal to go and stop them. This he made haste to do, reporting what had occurred.

Colonel Cox called at once for volunteers to execute the mandates of the law by force. Forty men responded, leaving about forty more partially armed in reserve to protect the women and children. The volunteers were addressed by the Sheriff and by Colonel Cox. The latter told them that they were to engage in no boy's play; that they were to meet a desperate set of men; that some would probably fall in the fight; and that, if any were disposed not to take the risk, they should step out of the ranks. Every man stood fast.

It was now two o'clock, the time since ten having been consumed in parleys to induce Brown and his men to surrender without a fight. The force was formed by Colonel Cox in two ranks and marched in line up the street towards the outlaw's fort under strict orders not to fire a gun unless fired upon.

It was hoped that this display of force would induce a surrender. But the doomed house was ominously silent. When within thirty paces, Cox gave the order to charge. A rush was made; the force was close to the building in an instant; but shots had been fired from the upper windows and Henderson Palmer fell, mortally wounded. Brown appeared before the open door with his rifle at a ready. Cox and Warren confronted him and demanded a surrender. Warren concedes that the beleaguered chief intended to comply, but in bringing his gun down, it was inadvertently discharged and the ball passed through Colonel Cox's coat. Tom Sublett and Vinc. Smith, comrades in Lieutenant Kirkpatrick's company at the Battle of Bad Axe and now shoulder to shoulder, having reached the open window of the room in which Brown stood, saw the discharge of his gun. Instantly their trusty rifles flew to their shoulders, and the unerring aim of true backwoodsmen sent two bullets through the bandit leader's head.[99] One entered his skull and the other severed his jugular vein.

Firing at once became general. Brown's men retreated to the upper story; while Cox and his posse withdrew from the building

to distances from which they could command the upper windows, sheltering themselves as much as possible. But they were exposed to a merciless fire. The bandit defenders, too, were backwoods marksmen. J. Maxwell and John Brink fell dead. Colonel Collins was shot through the hand, the only wound received in his varied military career. William Vance, another comrade of Lieutenant Kirkpatrick's company in the Black Hawk War, was shot in the thigh. William Vaughn received a wound from which he died. The posse was suffering more than the outlaws, who were protected within the building. Warren, wrought into fury by the passion of conflict, gave orders that the house should be set on fire and the occupants thus driven out. The preparations were seen by the inmates, and they made a rush to escape to the rear over some outbuildings.

This renewed the battle on more equal terms. Then occurred an example of heroic self-sacrifice such as seldom happens in this selfish world. General McDonald had been prevented by absence from accompanying his neighbors, the Coxes, on the previous day, and no horse was left for him, but he

started early that morning, traversing the sixteen miles to Bellevue on foot. He arrived on the scene during the conflict, just in time to see Colonel Cox crouched on one knee engaged in priming his gun, and to see that one of the enemy had stepped out from shelter and leveled a rifle upon him. With an irresistible impulse to save his aged leader and friend, McDonald leaped in front of the Colonel and received the hostile bullet in his hip.[100] He was also, during the melee, slightly wounded in the left hand.[101]

Andrew Farley had no gun and took no part in the conflict, but kept in sight of the combatants. He saw one of Brown's men lying wounded and evidently much in need of help. With the ready sympathy of his warm Irish nature he hastened to help the man to an easier posture, when he was struck by a bullet (whether from friend or foe was never known) and fell dead in the street.

Pursuit of the fleeing outlaws was given and thirteen of them were captured. "Negro" Brown and six others eluded their pursuers and escaped unscathed. Besides W. W. Brown, Aaron Day and Samuel Burtis had given up their lives; young Tom

Welch, alias Buckskin Tom, was badly wounded; and William Fox and some others received slight wounds. The captured men were placed under guard, and the fire which had been kindled was extinguished. The feelings of the citizens, armed and unarmed, who now gathered around were excited to the highest pitch.

The lifeless, bleeding bodies of some of their most respected neighbors — all of them men with families — lay before them. These men and those suffering from wounds had been assembled solely for the protection of society, and were proceeding strictly according to the forms of law when they were fired upon by those who were defying the law. Even those whose lives were sacrificed on the other side were among the least guilty of their party. Brown was regarded by many as more sinned against than sinning; and old Burtis, whose son was a Justice of the Peace, had probably committed no graver offense than the partisan one of defending his friend Brown. The prisoners included nearly all of those whose presence was a menace to the community, and they had now added to their previous offenses the red-handed slaying of valuable citizens.

What wonder then that a cry for vengeance rose loud and strong. Ropes were procured and the immediate hanging of every man of them was proposed. A few cooler heads urged that nothing be done under excitement that they might afterwards regret, but with no result. Then Sheriff Warren mounted a box and asked attention for a moment, saying that Colonel Cox had a few words to say to them. Warren himself afterwards wrote of the speech of Colonel Cox and subsequent events as follows:[102]

> The venerable old man addressed them as neighbors and citizens, and in a few words told them they had a higher duty to perform that evening than to hang the cowardly scoundrels they now had in custody. Pointing to the women and children who were hovering around the lifeless bodies of those who had fallen in the fight, saying, "Your duty to them, first, and to-morrow, whatever a majority of the citizens may say shall be done, I pledge you my word that you shall not only have my sanction, but my help." The earnest and expressive words of Col. Cox had the desired effect. The prisoners were placed under a strong guard, and the culprits felt thankful to the Colonel for this temporary respite, hoping something might turn up to spare them their lives. . . .
>
> Runners were sent to Galena and Dubuque for surgeons. Dr. Crawford of Galena and Dr. Findley of Dubuque promptly put in their appearance, and

at once went to work dressing and binding up the wounds of the wounded of both parties. . . . The dead were taken to their respective homes, and preparations made for their burial. This portion of the work was assigned to the Rev. Joseph Kirkpatrick, who did much toward soothing and consoling those who were left to mourn the loss of relatives and friends. Jesse Burke,[103] with the assistance of a detailed force, had, in less than two hours, prepared meals for over one hundred persons, which was readily disposed of. Precautions had been taken, as soon as Brown's house had been captured, to knock in the heads of all barrels containing liquor, and emptying out into the street every drop of liquor that could be found. . . . . The men were already excited to the highest pitch, and should they get under the influence of liquor, the innocent might suffer as well as the guilty. It was long after midnight before the people could be persuaded to retire for rest.

Some of the most prominent citizens retired to the residence of James L. Kirkpatrick to agree upon what disposition should be made of the prisoners. Among the prominent men who attended this meeting were Col. Cox, Alex. Reed, T. H. Parks, Anson Harrington, J. K. Moss, H. K. Magoon, Col. Collins, Len Hilyard, David G. Bates, John T. Sublett and others. The meeting was organized by calling J. L. Kirkpatrick to the chair, when I addressed the meeting asking and urging that I should be sustained in maintaining the authority of the law in bringing these men to answer the charge set forth in the warrant. In this I was ably sustained by David G. Bates, Alex Reed, T. H. Parks, and H. K. Magoon.

Anson Harrington and Col. Cox took the opposite view of the matter, saying it was utterly impossible to hold them under arrest, as we had no jail; that the prisoners had friends both in the East and the West, and, in all probability, they might be taken from us by force, and, in such case, no man's life or property would be safe, and, as we now had them in our power, the friends of the fallen demanded that summary justice be dealt out to each one of them, and nothing short of death would satisfy the community.

XVI

A Frontier Tribunal

In the discussion which followed Colonel Cox's address, the proposition was submitted that the citizens meet at ten o'clock on the morrow, and that the prisoners be then sentenced as the majority should decide. And they pledged themselves, one to another, that whatever the sentence might be it should be faithfully carried out. This was adopted by a unanimous vote, and the wearied assemblage retired about four o'clock in the morning for a few hours' rest.

A steamer arrived from Dubuque at eight o'clock in the morning bringing, among other passengers, District Attorney James Crawford and Sheriff Cummins of Dubuque County. These gentlemen attended the meeting of citizens which convened at ten. Colonel Cox presided over the meeting and addressed the prisoners who were brought in, telling them that their defiance of law and

refusal to submit to the service of a legal warrant for their arrest had compelled the citizens to unite in sustaining the arm of the law; that their resistance had cost the lives of some of the best citizens of the community; and that he was directed to say that the people would now decide what punishment should be meted out to them.

Chichester, who was one of the most notorious of the unsavory gang, asked and obtained permission to speak in behalf of his comrades and himself. He made a pitiful but rudely eloquent plea for their lives, admitting that many things charged against them were true and declaring that they were ready to submit to the punishment decreed by law for such offenses. District Attorney Crawford followed, expressing appreciation of the dilemma in which the citizens were placed in having no jail or other means of detaining prisoners, but urging that no greater punishment be inflicted than the law prescribed.

Anson Harrington voiced the intense feeling of the outraged citizens and their grief for their slaughtered companions when he spoke in favor of hanging every one of the prisoners. "He was opposed to turning

them loose to prey upon some other community. They were all desperate characters. They were lost to all sense of honor. They were past reformation. No man's life or property was safe with them at large. He was raised and reared in a Christian and law-abiding State. He had come to Iowa to make it his home, with the expectation of meeting with law-abiding and Christian people, where the law could be enforced and his life and property could be protected. . . . . The time had come when people would take the law in their own hands. As much as he had heretofore deprecated what was termed mob violence, he was now ready to admit the law was ineffective in the present case, and nothing short of the people rising in their might and taking this case into their own hands and making an example of the desperadoes whom they now have in charge would save society from depredation in future." [104]

He closed, however, by making the proposition that a decision be made by ballot as to whether the prisoners should be hanged or whipped and forbidden to ever enter the county again. This proposition was put to a vote and carried; and every man by a ris-

ing vote pledged himself to abide by the decision thus made. A cup filled with white and red beans was passed around, each man taking a bean of each color. Colonel Cox, as chairman, announced that the vote would be "white beans for hanging, red beans for whipping". Another empty cup was then passed to receive the ballots. It was a tense and thrilling moment.

Thirteen trembling wretches watched their fate being decided by silent, stern-featured men in whom the call for justice had stifled all thoughts of mercy. All had voted. The tellers carefully counted the beans and handed the result to the chairman. He called upon the prisoners to arise. He then read the result: forty-two red beans, and thirty-eight white. Thus by the narrow majority of four votes an inexcusable tragedy had been averted. The culprits were sentenced to receive from four to thirty lashes on the bare back and to be placed with three days' rations in skiffs without oars and floated down the Mississippi River.

As soon as the vote was announced Mr. Harrington rose to speak. The chairman informed him that it was not a debatable case. But he said, "I rise now to make the

vote unanimous." Others shared his revulsion of feeling, and the motion was applauded all over the house and then unanimously adopted. The whipping, nevertheless, was given in full measure and a pledge demanded and given by each culprit as he was placed in a skiff that he would never return to the county. That pledge, so far as known, was kept by all.

When the spring term of the Territorial District Court opened at Bellevue two weeks later, with Judge Thomas S. Wilson on the bench, a petition was presented asking that the lamentable affray be investigated. This led to a motion by District Attorney Crawford which stated that, since matters would be brought before the Grand Jury in which the Sheriff was interested and since there was no Coroner in the county, an Acting Coroner should be appointed for the term. The motion being granted, the Judge appointed General Francis Gehon of Dubuque as Acting Coroner; and he impaneled a new Grand Jury which had not been implicated in the affair.

The Grand Jury brought in a report finding that the Sheriff and his posse had acted under legal authority in an effort to enforce

the law; that they were guilty of no unlawful act or acts, except in the whipping of some of the accused after they had been captured and were prisoners; and that that course had justification in there being no jail in the county; and that the Sheriff had acted for the best interests of the county.

A letter of Judge T. S. Wilson under date of September 30, 1879, written to Captain Warren says:

> The acts of yourself and posse on the memorable 1st day of April, 1840, had my full approval; and yourself, and all those honorable men that took a part in that transaction met the approval of a grand jury, selected at the instance of Brown's sympathizers. Your court record should show that fact.[105]

XVII

The Aftermath

The Grand Jury verdict reflected what was nearly a unanimous opinion in the county; but there was a feeling on the part of a small minority of good citizens that the personal guilt of William W. Brown was not clearly manifest. He had been genial and courteous in manner. He had been generous and accommodating in business matters. He was bold and enterprising and had been a liberal employer of labor. Hence he had friends who now argued that as a landlord he was not responsible for the character of his boarders, nor as an employer for what his men might be; and, moreover, as a quasi lawyer he had a right to defend clients with such evidence as they might put into his hands. These friends pointed to the fact that his business rivals and those whose political ambitions he had tried to thwart were all to be found in the ranks of his assailants; and they insinuated that a desire

to drive Brown out of the country impelled the movement, rather than a real effort to punish for crime.

One of the most outspoken of these critics was Shadrach Burleson, the proprietor of the Buckhorn Tavern which was located five miles west of what is now Maquoketa. Burleson was an 1836 settler — a Vermonter with a mind of his own — who accepted an appointment as administrator of Brown's estate.[106] Most of those disposed to find fault with the extreme measures employed by Cox, Warren, and their associates found their views materially modified when the tragedy on Rock Island in 1845 disclosed the desperate character of the banished men.

The discovery of Colonel Davenport's murderers brought out a significant bit of evidence regarding the true character of Brown. An amateur detective, Edward Bonney of Lee County, Iowa, tracked and caused the arrest of nearly all who were implicated in the robbery and murder. Soon after the trials he published a book entitled *The Banditti of the Prairies* in which he detailed his experiences. It appears that he found William Fox in eastern Indiana, in the neighborhood of his father's home. He

gained Fox's confidence by claiming to be a dealer in counterfeit money, exhibiting unsigned bills of the Miner's Bank of Dubuque with which he had been supplied. Bonney then gives several conversations held with Fox among which occurs the following:

Did you ever get caught before you were arrested at Bowling Green?

Yes; I was at Belleview in Iowa, at the time the mob shot Brown. They arrested me at the same time, but could prove little or nothing against me. So they tied me up to a tree and whipped me nearly to death, and then let me go. Some of them may have to pay for it one of these days. I should not have been caught at Bowling Green if the boys had followed my advice.

Were you acquainted with Brown who was killed at Belleview?

Yes, my first horse was stolen under Brown's instructions.

I presume that was not the last one.

No. Not by fifty.

Interesting evidence showing how the affray was viewed by some who knew only the better side of Brown's character has recently been brought to light through researches among the papers of Governor Robert Lucas. The following letters were written from Dubuque to Governor Lucas by J. V.

Berry, who was Public Prosecutor under Territorial appointment, and by John King, who was then Postmaster at Dubuque:[107]

Du Buque April 4, 1840.

Dear Sir,

I am under the painful necessity of informing you that Jackson County in this Territory is in a state of a complete disorganization. The Sheriff Judge of Probate and the *celebrated Col Cox* on the first day of this month headed a mob at Bellview and attacked a peaceable citizen of that place with a view of driving him out of town. The result was that a most disgraceful fight took place, and as a report says from six to nine lives lost and several wounded. It is currently reported at this place and very generally believed that Warren the Sheriff went about the county procuring the names of persons pledging themselves to support the mob several days previous to the day of the assembling of the most infamous mob that ever was assembled in this or any other country. The mob with their infamous leaders have since the killing been engaged in holding a *citizens* court as they call it and have tried and punished several individuals. It is also understood at this place that this triumvirate composed of Cox Warren and Moss are about to divide the property of Brown who happened to be the special object of their vengeance & who had considerable property Mitchell the man who committed the murder last winter and who has been held in *mock* confinement by this infamous Sheriff is now let loose rejoicing with the good and pious

mob citizens at this freedom from all the restraints of regulated society, law and good order. A court as you must be aware of under the existing laws of this Territory is appointed to be held on the 13th instant at Bellview. Since I have set down to write this letter I learn from two gentlemen who have just returned from the seat of war that the mob boast that they had all of the Grand Jury for the next court to act with them except Brown and that he was killed. It will be impossible if not impossible utterly useless to hold a court in a community composed of such brutish beasts, when blood and murder is the order of the day. In such a state of things you must be aware that those base and foul felons cannot be punished in their own county. I have therefore deemed it a duty of mine to acquaint you with the facts and if you have any powers vested in you as the Governor of this Territory to aid and assist the laws I hope you will exercise them in bringing to justice base and foul murderers and to wipe off the disgraceful stigma that has evidently been thrown upon the people of this Territory by this most disgraceful tradgedy.

Yours in haste

To his Excellency Robert Lucas J V Berry

Dubuque I. T.
April 6, 1840.

To His Excellency Robert Lucas

Sir I regret to state to you, that a more disgraceful affair, has never been recorded in the annals of history, than that which I am about to relate. It occurred on the 1st ultimo at Bellview Jackson Co. I. T.

about seven miles below Galena A *mob* collected calling themselves the people — headed by — *Warren, the sheriff of the above named county, and Col. Cox* (so called) *member of the Legislature, Gen McDonald, and James K. Moss.* The mob proceeded to the house of Mr. Brown (inn keeper) and informed him, through, Warren, that he must leave the Ter. immediately — Brown replied, that if he (Warren) had any *legal* demand against him, he was willing to go with him and be tried — but that a mob could not take him — However they were not satisfied with this, and made a rush to capture him — and in trying to effect their object, six persons were killed, and three wounded, one having since died!!! What the character of Mr. Brown was, I am unable to say — He was certainly hospitable, and obligeing to strangers, and affectionate to his family, he was also industrious, which is certainly *one* good quality — His wife was of a reputable family and understood the duties of a hostess, well. Brown fell like a *brave man,* defending *his wife* and *child* from insults, and his property from the ravages of a reckless and lawless mob. Mrs. Brown was conducted to this place by a gentleman, at whose house she has, and will receive the most kind treatment.

On Saturday evening last, the citizens of this place assembled at the Presbyterian Church, (tho' large it could not contain near all) to express their deep abhorance of the *murderous* conduct of the mob at Bellview, by strong resolutions, which will be published in the papers of this Ter.

The people at the meeting expressed their unani-

mous wish, that you would promptly *remove from office Warren & McDonald.*

Our Legislators, will be instructed at the extra session, to expel from their body *Col. Cox.* And we will endeavor to have *J. K Moss* removed forthwith, from the office of P. M. I have just learnt, that the latter gentleman (or rather the man) holds the office of Judge of Probate, if so he should be removed from that office also. I have just had a conversation with Mr. Petriken, who feels indignant at the outrage — and thinks those villians if possible should be arrested — and that there are two ways of having it done, first, that by removing Warren, and having a new sheriff appointed, they could then be arrested Secondly that your Excellency can command Gen. Lewis, to raise the militia, and arrest them,— others think Chief Justice Masson is authorized to act in this matter — but all agree, that your long experience in public business, gives you the advantage of us all, in knowing how to dispose of those persons, who have committed the most wilful and premeditated murders, and have brought a stigma and a disgrace upon our young and beautiful Ter. that years cannot efface.

Your Obdt. Servt.

John King P. M.

Gov. Lucas

(Private)

When Brown was killed, *Mitchell* who assassinated. Thompson last summer, in Bellview, was immediately turned out of prison and is now walking the streets — Several in our village, have strong suspicions, that Mitchell *Bribed,* Warren to dispose of the *only two*

witnesses who could convict him of the murder of Thompson — those two witnesses were Brown and Montgomery — Brown is now dead and on Saturday last — a company started from the scene of action to "either drive Montgomery, from the Ter. or kill him."

What the fate of Montgomery is I have not learnt but I fear the consequences — circumstantial proof of what I have hinted at above, can, I am told be produced — but of this we will say nothing —

The day of reckoning is not far distant I trust with the instigators of the mob.

J. K

Gov L.

Please excuse I write in a hurry

The reply of Governor Lucas to J. V. Berry was as follows:

Executive Departm[en]t Iowa Terrty
Burlington April 7th 1840.

Sir

I received your letter of the 4th Int by Captain Smith of the Steam Boat Brazil — I regret extremely to hear of the transactions in Jackson County detailed in your letter.— It reflects a disgrace upon our Territory; and I trust, that the persons, who may be found guilty of so great a violation of the laws of the Territory may ultimately receive the punishment the law prescribes, — but this is a subject, that is entirely under the control of the Judicial Branch of the Gov-[ern]m[e]nt. The law gives to the Judiciary, the power to inforce obedience to its mandates, by fines and penalties — The Executive Branch has no such

power, The Executive may issue his Proclamation, but he has no power to inforce it, he has neither funds, men, arms or am[m]unition under his control. The law vests the Civil Ministerial office, with the power of the County and the Judiciary is vested with power to impose fines and penalties for disobedience to their command — However desirous I may be, to check such outrageous proceedings — yet I see no way in which an Executive interference could be of any benefit. The duty is devolved upon you, as District prosecutor, to bring the subject before the proper Judicial tribunal for investigation which I trust will be promptly and efficiently done — The account of the disgraceful affair, as published in the *Iowa Territorial Gazette of the 4th Inst* differs materially from the one given in your letter. How far these accounts may be correct, I do not pretend to decide but one thing is certain (*That is*) that a most disgraceful, outrage has been committed upon the laws of the County by some body, and it becomes your duty as the legitimate prosecuti[n]g officer to have the subject impartially and legitimately investigated — and to cause the guilty persons, whoever they may be, to be prosecuted and brought to Justice — This should be done without prejudice or favour to any one, but with a single eye to the maintenance of the Supremacy of the laws.

With sincere respect
I am your obt st
ROBERT LUCAS

J. V. BERRY Esqr
Distr Prosectr 3d Judi
Distr Du Buque

The Court records do not show that Mr. Berry took any initiative in investigating the affair. The motion to appoint an Acting Coroner and impanel a new Grand Jury was made by District Attorney James Crawford, and the record does not show that any other prosecutor officiated. The language used by Berry would indicate that he did not feel friendly towards Sheriff Warren, and the fact that when Warren appeared in Dubuque at the head of a committee of citizens he called upon Crawford instead of Berry would lead to the inference that the dislike was mutual.

It will be observed that the letters of Mr. Berry and Colonel King were written when they had no other knowledge of the affray than what was brought by Mrs. Brown and her companion. That public sentiment in Dubuque and in the Executive Office underwent some modification soon afterwards seems certain. Sheriff Warren and Probate Judge Moss were not removed from office and the militia commission of Brigadier General McDonald was not revoked. Nor was Judge Moss removed from the office of Postmaster.

The legislature met in special session in

July of that year. No proposition to expel Colonel Cox from his seat was brought forward; on the contrary, he was made temporary speaker on the opening of the session and received votes on three ballots as a candidate for the full honors of that office. And, moreover, at the regular election in August he was reëlected by the people of his county as their Representative.

That there was a degree of lawlessness in the proceedings which swept that gang of criminals out of Jackson County can not be gainsaid. That short but desperate conflict which cost more in human lives than any other battle ever fought in Iowa since white settlement, except the Spirit Lake Massacre, has always been known locally as the "Bellevue War". No other term so well expresses the character which it assumed. The demon which enters men's souls in the ardor of conflict must be reckoned with. Colonels Cox and Collins and a large proportion of the posse had previously seen service in regular warfare, and their attack was made with a bravery and persistence that compels admiration. They fought against those whom they knew to be skilled marksmen, sheltered by the walls of a build-

ing; but there was no shrinking or faltering until the outlaws surrendered.

The Sheriff's posse became at once, without the formality of organizing, as typical a vigilance committee as ever were those which in California, in northern Indiana, and in other primitive communities protected society when the law was powerless.[108] The Jackson County vigilants dissolved as quickly as they assembled. Their one exhibition of power sufficed; no perpetuation of their authority became necessary or advisable. Mr. Berry states that it was reported that every one of the Grand Jury summoned for the next term of court was acting with the mob — except Brown, and he was killed. There seems to be no record of the names of those summoned for that term, but there is great probability that Mr. Berry's statement is very near the truth.

An examination of the history of those within the ranks or aiding and abetting this "most infamous mob" of "brutish beasts" shows that there were legislators, present and prospective, of two Territories and two States. Three of the number as delegates helped to frame Constitutions for Iowa. The names of the Probate Judge, Sheriff.

Recorder, Treasurer, Clerk of Courts, Surveyor, and Coroner of the county, with two of the County Commissioners advising and consenting, and nearly all of the panel of Grand Jurors are discovered in the list. There were also two former Colonels with army service, a Brigadier General and a Captain of Iowa militia, another who became a Brigadier General in California, one who became Probate Judge, two who became Sheriffs, a prospective Recorder, Clerk of Courts, and County Commissioner.[109] Surely it was a body of men who did not need instruction from the hysterical Berry or the equally excitable postmaster of Dubuque.

XVIII

Speaker of the House of Representatives

Among the acts passed by the second Territorial legislature was one to locate the county seat of Jones County. It named as the commissioners for that purpose John G. McDonald of Jackson County, Franklin Moffatt of Delaware, and Thomas M. Isett of Muscatine. General McDonald and his associates first chose as the county seat an incipient town of Scotch Highlanders from Selkirk's Settlement in Canada. The town had been given the name Scotch Grove, which it still bears. But the commissioners called it Edinburg; and they employed Colonel Thomas Cox as surveyor to lay it out into lots and blocks. The canny Scots, however, were evidently not good at town building; for no function of county government and no term of court was ever held at Edinburg, and no county officer ever lived or transacted public business there.

So the county commissioners soon after-

ward selected Newport as the county seat, and a term of the District Court was appointed to be held there. Judge T. S. Wilson arrived at the designated time to find that the town consisted of a single log cabin, of too scant dimensions to contain even the officers of the Court. In great disgust he ordered the Court adjourned to meet in Lexington, and that place, under its present name of Anamosa, has ever since maintained its dignity as the capital of Jones County. Colonel Cox and General McDonald, during their trip to Jones County, were also employed as surveyors to lay out the town of Lexington, which lay at the junction of Buffalo Fork with the Wapsipinicon River.

On January 15, 1840, the Second Legislative Assembly had passed an act to provide for an extra session of the legislature. This extra session convened in Burlington on Monday, July 13, 1840.[110] Contrary to the practice of the present day the officers of the regular session of the body did not hold over for the extra session. Stephen Hempstead of Dubuque had been President of the Council, but he was not even a candidate for reëlection when that body reconvened. Arthur Inghram, the oldest member of the

Council, was appointed President *pro tem;* but eight ballots were required before a permanent presiding officer was elected in the person of James M. Clark.

In the House, Thomas Cox was chosen Speaker *pro tem* on the first day of the session, and the balloting to fill that office regularly was had on the second day. Edward Johnston of Lee, who had been Speaker at the regular session, was elected after three ballots, on each of which Cox received votes.

The standing committees were appointed on the 15th, and Colonel Cox became Chairman of the Committee on Internal Improvements and a member of the Committee on Militia and the Committee on Territorial Affairs. He gave notice on that day that "on to-morrow" he would introduce a bill to relocate the county seat of Jackson County, and he made a routine motion on another subject. On the 16th Mr. Loring Wheeler, in accordance with previous notice given by Mr. Cox, reported a bill to relocate the seat of justice of Jackson County.

During the whole of the remainder of the session, which lasted until August 1st, Colonel Cox does not appear to have answered a roll call. On the 17th a call of the House

was ordered and Cox, Hall, and Rich were granted leave of absence. On the 20th a call was again ordered and Cox with others was excused. On the 28th Mr. Cox alone of the absentees was excused. All of which indicates that he was probably absent on account of sickness, but no other information on the matter has been discovered.

At the regular election, held in October, Colonel Cox was again presented as a candidate for Representative in Jackson County, and was elected. No records can be found naming his opponent or giving other information concerning his election.

When the Third Legislative Assembly of the Territory convened at Burlington on November 3, 1840, Colonel Cox found many changes among his colleagues. Of those who served with him in the previous Assembly seven were returned. Two more had been his colleagues in the First Assembly. But the Council was well filled with members who had served in the House for either the First or Second Assemblies. Eight out of the thirteen in that body had been his colleagues in the House in former sessions.

The *Journal* of the House of Representatives for the opening day of the session con-

tains the following entry regarding the election of the Speaker:[111]

> Mr. Summers nominated Thomas Cox. The members then proceeded to ballot, after which, upon counting the same, it was found that Mr. Cox had received a majority of the whole number of the votes given, and was therefore declared duly elected Speaker.

Thus, while the record does not show by a detailed vote how nearly it approached unanimity, it does indicate that no other nominations for Speaker were made and that the election was accomplished on the first ballot. In other words it indicates that Colonel Cox was elected as their presiding officer by his colleagues practically without opposition. It was an endorsement of his abilities as a legislator and parliamentarian and of his worth as a man of which he may well have been proud — especially if he knew, as he must have known, of the efforts made to discredit him a few short months before by men high in official position.

Being Speaker, Colonel Cox introduced no bills, and made no motions during the session, but the *Journal* shows his vote on all matters on which a roll call was demanded. There is little in the record to show the

motives or reasons for his votes. Few questions arose which bear indications of being decided by party feeling — except the frequently recurring contests on public printing. Cox generally seems to have voted on the "economy" side of propositions to expend money. He voted in one case against authorizing a lottery.

During the last ten days of the session the attention of Colonel Cox to his legislative duties was interrupted by illness. The first record on Tuesday morning, January 5, 1841, is this: "In consequence of the absence of the Speaker, Mr. Lash was appointed Speaker *pro tempore.*" Later in that morning session, however, "Cox, Speaker", voted on a roll call. At the afternoon session, a call of the House was ordered on assembling which disclosed four absentees, Cox being one. The Sergeant-at-Arms was directed to require the attendance of absentees, and they all appeared.

On the 6th, a roll call shows no vote from Cox; and on the 7th, leave of absence was granted to him, but not to seven other absentees. On the 8th, he appeared after a call of the House, but was not present again during the remainder of the session, which

closed on the 15th day of January. On the 12th, leave of absence was granted to Mr. Cox alone of several absentees. On the 13th Mr. Robertson offered the following: "Resolved, that the Hon. Thomas Cox be allowed the sum of three dollars per diem extra pay for his services as Speaker of this House from the 2nd day of Nov. 1840, until the 4th day of January 1841."

John B. Lash received extra pay for six days' service as Speaker *pro tem,* and Laurel Summers for five days. On the last day of the session (January 15th) a vote of thanks was given to Laurel Summers as Speaker *pro tem.* His farewell remarks to the House begin: "Gentlemen: Our session has at length come to a close, and on account of the indisposition of the Speaker, it has become my duty to adjourn this House." Local sources contribute no information about this illness.

At the election in August, 1841, Colonel Cox was again a candidate for the legislature, and again he was elected to a seat in the House; but in this case also it is not known whether or not he had an opponent or what the vote was. The county records, however, do contain an entry regarding

this election. On the record of deeds for Jackson County, Book A, page 97, we find the following:

Belleview, Jackson County, Iowa Territory. James C. Mitchell Esq. Clerk of the Board County Commissioners' Court.

Sir. Please accept of this as my resignation as member elect of the House of Representatives from Jackson County at the late general election on August last.

Yours respectfully,
THOMAS COX.

Recorded November 2, 1841.
John Howe, Recorder.

Persistent inquiries from every accessible survivor of those resident in the county at that period have failed to find one who remembers the fact of that resignation or could give any known reason for such action. It is not improbable that the mysterious indisposition that seems to have crippled his usefulness at the extra session of 1840 and again shortened his career as Speaker was the controlling factor in his now giving up the honorable position to which he had been reëlected.

Nine years before at Springfield, Illinois, he had had the good sense and courage to turn aside a high military command to

whose duties he felt that he could not give his full powers; so now he feared that he could not go with his colleagues to inaugurate as a capital the little city he had planned and platted, with the full vigor of the Thomas Cox that his friends and the Commonwealth had a right to expect him to be. Whether warned by illness or weakness we know not, but he was man enough to tell his constituents to take back their commission and send some one to represent them whose powers were equal to the task which they should demand.

A special election was held on November 29, 1841. It resulted in the election of James K. Moss of Bellevue — the compatriot of Colonel Cox in the stirring events of the Bellevue War — as Representative in the Fourth Legislative Assembly. This was the first legislative body to meet and hold session at Iowa City.

XIX

A Member of the Council of the Territory

The election of members of the Council occurred in 1842, and Colonel Cox, having regained his health and courage, presented himself as a candidate for promotion to the higher legislative body. The Council district included Jackson, Dubuque, Delaware, and Clayton counties "and the country thereunto attached".[112]

The Democratic nominating convention was held in Dubuque; local influences being predominant, it chose two citizens of that county, General Francis Gehon and Mr. Hardin Nowlin, as the regular party nominees. The Whigs were not strong enough to make a fight, so Colonel Cox and another disappointed aspirant, Stephen Hempstead, who had just closed the service of a term in the Council, presented themselves as independent candidates. Jackson County voters now had an opportunity to show their

loyalty to one of their own citizens and their respect for and confidence in Thomas Cox. Practically the solid vote of both parties was cast for him, which elected him over all opponents.

By a singular chance the number of votes tallied for Stephen Hempstead and Hardin Nowlin was identical, and was greater than the number received by General Gehon. Tradition says that Hempstead, in a spirit of old fashioned courtesy, voted for his opponent, thus creating a tie that resulted in his defeat.[113] For, on a special election being called to decide the tie, Colonel Cox rallied his friends in Jackson County to support his old associate, General Gehon, and their vote again decided the contest, giving the victory to the candidate who had the fewest votes at the first election.[114]

The Fifth Legislative Assembly convened at Iowa City on the 5th day of December, 1842. Colonel Cox found among its thirteen members four with whom he had previously served in the House.

Others in the Council besides Colonel Cox had been elected on independent tickets, and so that body could not be strictly classed as

either Democratic or Whig. Newspapers of the day agreed that there were six Democrats and six Whigs, but Joseph B. Teas of Jefferson County was claimed by both parties.[115]

William H. Wallace was appointed President *pro tem* when the Council convened on the 5th of December, and on the next day came the regular election for President. Shepherd Leffler, an astute politician, sought to land Mr. Teas securely in the Democratic camp by placing him in nomination for the high office.

The Whigs did not make a formal nomination, but most of them seem to have voted for Francis Springer. Three ballots were taken during the day without result.

On the next day the Whigs dropped Springer and voted for Dr. John D. Elbert of Van Buren. After the fifth ballot, "Mr. Gehon withdrew the name of Joseph B. Teas, and nominated Thomas Cox for President." The sixth ballot gave Elbert seven, Cox four, W. H. Wallace one, and one blank; and so Dr. Elbert was elected.

When the election of the minor officers came on, Colonel Cox tried to secure the position of Sergeant-at-Arms for his Bellevue

compatriot, Lieutenant James L. Kirkpatrick, but without success.

In the assignments on standing committees, Cox was made Chairman of the Committee on Military Affairs and member of the committees on Roads, Territorial Affairs, and Agriculture. He took a leading part through the session in matters of parliamentary routine and frequently presided over the Committee of the Whole. He introduced a bill to organize new counties "in the late cession from the Sac and Fox Indians", and was appointed on a committee of conference when the House disagreed with the Council on the bill. He introduced a bill to organize, discipline, and govern the militia, and made a persistent fight to encourage the introduction of sheep raising into the Territory by exempting large flocks from execution. The *Journal* affords almost certain evidence that he was present at every session of the Council.

XX

President of the Council

The Sixth Legislative Assembly convened at Iowa City on December 4, 1843. The Council having been elected for two years, no changes appeared in its personnel. For its temporary organization on the first day Francis Springer was chosen President *pro tem* without opposition. Uncertain party affiliation of some members seems to have been a disturbing factor from the beginning of the session. Mr. Teas did not yet appear to be properly branded, and skillful finesse must be used to keep him within the party pasture. The election of President should have occurred on the second day of the session, but General Gehon of Dubuque, a valuable Democratic leader, had not yet arrived; so Colonel Cox moved to postpone the election until "Thursday next", which was agreed to.

On that day the matter was taken up, although as yet only twelve members were

present. John P. Cook for the Whigs put in nomination Francis Springer. The Democrats made no formal nomination, but resumed their tactics of the preceding session by voting for Joseph B. Teas. The first ballot was as follows: Springer four, Teas six, and two blank.

On the third ballot the name of Thomas Cox appeared with one vote. Then the Council proceeded to the election of Secretary and other minor officers, but resumed balloting on President at the afternoon session. Four ballots were taken with Cox showing increasing strength at the expense of Teas. Balloting was resumed on December 8th, when the Democrats swung back to Teas. The opening ballots were as follows: eighth ballot, Springer 5, Teas 5, blank 2; ninth ballot, Springer 6, Teas 3, blank 3. The tenth ballot was unchanged except that Cox took one of Springer's six. Then the Democrats definitely abandoned Teas and took up Cox as their candidate.

The eleventh, twelfth, and thirteenth ballots were identical with Springer five, Cox five, and two blank. Then Mr. Cook moved to indefinitely postpone the election of President, but his motion received the votes

only of himself and Mr. Wallace. Mr. Leffler followed with a motion to postpone the election until the second Tuesday of January, 1844, which was carried.

The Council then proceeded with the regular business of the session; and the appointment of standing committees shows that Cox was made Chairman of the Committee on Internal Improvements and a member of the committees on County and Township Boundaries, on Agriculture, and of the joint committee to prepare rules. The *Journal* shows him to have been present at every meeting of the session and to have taken an active part, as usual, in the parliamentary routine.

The struggle to elect a President was resumed on the 9th of January, all of the thirteen members being then present. Seven ballots were taken on that day. Cox seems to have had practically the full Democratic support, having six votes on three of the ballots. Springer's highest vote was four on the fourteenth ballot. He received three votes on three ballots, two on the seventeenth and nineteenth and only one on the twentieth. Mr. Teas seems to have been coquetting with the Whigs, since he received

two votes on four ballots. Other Whig votes were cast for John P. Cook and J. D. Elbert.

On January 10th three ballots were taken, on all of which Springer received his full strength of six votes while Cox dropped back to four. Teas received one vote and the others were blank. On January 11th Mr. Springer withdrew his name and Mr. Teas fully changed front by appearing as the Whig candidate. The twenty-fourth ballot resulted: Teas five, Cox four, and four blank. After two more futile ballots Mr. Teas withdrew. A motion to take up the regular order of business was lost, and balloting resumed with the Whigs all at sea. The twenty-seventh ballot stood: Cox five, Teas one, Wallace one, Cook two, W. Patterson two, Robt. Christie one, and one blank. On the twenty-eighth ballot the Whigs generally rallied to the support of W. H. Wallace, the vote being Cox five, Wallace four, Cook one, Christie one, and two blank.

The deadlock was finally broken on the thirty-first ballot. Colonel Cox received seven votes, Mr. Wallace four, and two were blank. The persistence of blank votes on every ballot would indicate that civilization

had not advanced in those days sufficiently to allow a candidate to vote for himself. The *Journal* informs us that Colonel Cox returned thanks for the honor conferred upon him, and that his place on committees was given to Mr. Springer.[116]

In his message to the Assembly, Governor Chambers strongly recommended that measures be taken to secure the admission of the Territory as a State.[117] In furtherance of that object the Council appointed a select committee on the 12th of December, to which was referred that part of the Governor's message relating to State government. Colonel Cox was made a member of that committee. The committee reported for consideration a memorial to Congress relative to the formation of a constitution and State government and suggesting boundary lines. During its consideration on January 4th Cox moved to amend the memorial by substituting the forty-fifth parallel of north latitude as the northern boundary of the State. This amendment was passed by the Council, and the boundary lines suggested to Congress by the Legislative Assembly were as follows:

Beginning in the middle of the main channel of

the Mississippi River at a point east of the middle of the main channel of the Des Moines River where it empties into the Mississippi River, thence up the Mississippi River, following the middle of the main channel of the same to the forty-fifth degree of north latitude, thence on the parallel of said forty-fifth degree of north latitude to the source of Cactus River, an east branch of Calumet or Sioux River, thence down said river following the middle of the main channel thereof to the middle of the main channel of the Missouri River, thence down the Missouri River following the middle of the main channel thereof to a point west of the line that may be established by Congress under the act approved, June 18th, 1838, entitled an act to authorize the President of the United States to cause the southern boundary line of the Territory of Iowa to be ascertained and marked; thence east with said line to the middle of the main channel in the Des Moines River, thence downward along the middle of the main channel of the Des Moines River to the place of beginning.[118]

But the Constitutional Convention which met at Iowa City in October, 1844, adopted as the northern boundary of the proposed State the St. Peters (Minnesota) and Blue Earth (Mankato) rivers, which had been proposed in the memorial before the adoption of the Cox amendment. Mr. Langworthy of Dubuque advocated in the Convention the forty-fifth parallel boundary,

but could not secure votes enough to carry it. Congress further limited the boundaries on the north and west and this was so deeply resented that the Constitution was rejected by popular vote.

A lively contest in this session of the Assembly arose on the bill providing for a Constitutional Convention, as to the number of delegates who should compose it. Cox fought strenuously for an apportionment that would give a liberal number of delegates to the northern counties. Ten different propositions were voted on. On January 11th an amendment carried which received the vote of Cox, fixing the total number of delegates at sixty-five and giving Jackson three, Clinton two, Dubuque and counties north seven. But on January 20th the southern counties gained an advantage by carrying an amendment to give Jackson two delegates, Clinton one, Dubuque three, Delaware and Buchanan one, Clayton and Fayette one, and raising Lee, Des Moines, and Van Buren each from six to eight. Cox voted against this amendment, which carried by a vote of seven to six, and then he voted against the bill which received seven affirmative votes and five negative.

The Assembly adjourned on February 19th. Cox had served as President for thirty-eight days, and Springer for thirty-seven. On motion of Dr. Elbert the following resolution was passed:

Resolved, that the thanks of the Council are hereby tendered to the Hon. Thomas Cox for the able, impartial and highly satisfactory manner in which he has discharged the duties of President of the Council during the present session.

On adjournment, the President addressed the Council as follows:

Gentlemen, As the time for our separation is drawing nigh, I ask your kind indulgence a few moments before we separate. We have, in the discharge of our duties as Representatives of the people, passed a great many general and local laws, all of which, I hope, may have a salutary effect upon our constituency.

Gentlemen it gives me great pleasure to say that in our intercourse with each other, in the discharge of our official duties, I have seen nothing to disturb that social and friendly feeling that ought to exist in a deliberative body. If we have differed on minor points, it was but for the moment, and I am in hopes it will remain within these walls.

Gentlemen, I feel much affected in taking my leave of you; I have been associated in either House with several of you ever since we became organized as a Territory, and with you all for the last two sessions; you appear to me as part of my family, and my asso-

ciations with you will long be remembered by me in my retirement.

Gentlemen, be pleased to accept my thanks for the kind indulgence I have received from you, individually, as your presiding officer. You carry with you to your homes, my best wishes for your future health and happiness.

Among the acts passed by the Sixth Legislative Assembly was one approved February 15, 1844, entitled "An Act to provide for taking the Census, and an Extra Session of the Legislative Assembly of this Territory." Section four of that act provides for an extra session to "be begun and holden at Iowa City on the sixteenth day of June, 1844, for the purpose of making an apportionment of members of the Council and House of Representatives among the several counties of the Territory, giving to each section of the Territory representation in the ratio of its white population as nearly as may be, according to the census taken under the provisions of this act."

This extra session began on June 17, 1844, and before its adjournment eighteen acts and two joint resolutions were passed. The *Journals* of the session were not printed; nor can they now be found in manuscript.

The only official record of its existence is the printed *Laws* of the session, from the title page of which it is seen that, like the extra session of 1840, the organization of the regular session was not recognized, but new presiding officers were elected in each branch.[119] General Francis Gehon, Colonel Cox's colleague from Dubuque whom he was so largely instrumental in electing, became President of the Council; and the Speaker of the House was the Representative from Jackson County, the Colonel's neighbor and intimate friend, John Foley of Bellevue.

We have, indeed, no positive evidence from any source that Colonel Cox was present at this short extra session, although we have no reason to believe that he was not. The precedent of the extra session of 1840 accounts fully for the fact that his holding over as President from the regular session was not recognized. The same was true in regard to the Speaker of the House, Hon. James P. Carleton of Johnson County having been Speaker at the regular session.

XXI

Death and Burial

Colonel Cox watched with keen interest the proceedings of the Constitutional Convention which began its meetings on the 7th of October, 1844. By strenuous efforts he had secured for his county the ample representation of three delegates to the Convention, and those elected were all his intimate personal and political friends. They were Rev. Joseph Scott Kirkpatrick, William Morden, and Richard B. Wyckoff, a New Yorker who had recently been commissioned as Colonel in the Territorial militia. It is a family tradition that these and other influential friends were planning to bring out Colonel Cox as a candidate for Governor from the north part of the Territory at the first election of State officers, should the Constitution be adopted.[120]

But before the time fixed for the vote upon the adoption of the Constitution the stalwart old pioneer had obeyed a more im-

perious mandate. An attack of pneumonia complicated with liver congestion terminated his life on November 9, 1844. He was buried under a handsome young hickory tree which he had selected to mark his last resting place.[121] The officiating clergyman at the funeral, which occurred on the afternoon of Sunday, November 10, 1844, was Rev. William Salter, a young Congregationalist who as one of the "Iowa Band" had come to the Territory of Iowa in the fall of 1843. He had been assigned to the settlements of Springfield and Andrew in Jackson County and had begun his work on November 10, 1843.

Long years passed. The Cox family moved west. And men's minds turned away from the lonely grave under the hickory tree.[122] The double log cabin of the pioneer lawmaker disappeared and was succeeded by the pretentious frame residence of new owners of Richland Farm. A generation had come which "knew not Joseph", and in 1904 it was no easy task for the Jackson County Historical Society to find the last resting place and to trace the personal history of him who sixty years earlier had been the county's most prominent citizen.

By the aid of a pioneer who had worked on the farm fifty years before, and who remembered the exact location of the fringe of stones which bounded it, the position of the grave was located. Then it was resolved that the remains should be removed to Mount Hope Cemetery, in the city of Maquoketa, and marked by a suitable monument.

Through the generosity of Mr. William F. Jones, a monolith of singular appropriateness was soon provided. Jackson County lies principally within the anomalous "Driftless Area of North America". Thin patches of glacial drift of the Kansan age are found in the southern and western parts of the county, indicating that the boundary of the driftless area lies within its borders. About a mile north of the old farm of Thomas Cox there is deposited a collection of boulders of unusual size. The glacial clays and gravels in which they must have once been imbedded have, in the course of ages, been washed away from the hillside on which they lie; but the size of the rocks and their position strongly indicate that they mark a terminal moraine and are, in fact, on the boundary line of the driftless

area. It was one of these giant boulders, a gneissoid granite, about six and one-half feet in height by about three and one-half feet in each of the other dimensions, that Mr. Jones exhumed from its bed and donated to the Historical Society as a memorial to the oldest pioneer of the neighborhood.

The ceremony of unveiling this unique monument occurred on the Fourth of July, 1905. Nearly sixty-one years before Rev. William Salter had officiated at the funeral of Thomas Cox; and now this venerable man stood in Mount Hope Cemetery, at Maquoketa, and assisted in the unveiling of a monument under which the remains of Thomas Cox had been reinterred.[123]

Possessed of faults that were largely the outgrowth of the pioneer environment in which his entire life was spent, Thomas Cox was ever trusted and honored for his strict integrity and his force of character. He was a representative of the Southern element that furnished so large a proportion of the earliest settlers of Iowa. His career is interwoven with the earliest events in the making of Iowa, and with those of the making of Illinois as well. As typical of the

lives of local leaders among the pioneers of the West and of Iowa the career of Thomas Cox is worthy of the consideration of thoughtful students of history.

NOTES AND REFERENCES

NOTES AND REFERENCES

CHAPTER I

[1] Kentucky was at this time a county under the jurisdiction of Virginia. Its full separation was not effected until 1790; and it did not become a State in the Union until 1792.

[2] The children of Robert and Jane [Robinson] Cox were:

(a) Thomas, born 1787
(b) Sarah, married —— Lucas
(c) Eleanor, married (1) Isaac Betts, (2) —— Young, and (3) General James Collins; died childless.
(d) John W., married Margaret Hilyard; died near Hanford, California, 188—
(e) Rachel, married Ephraim Neville

[3] Mr. S. B. Cox, son of Thomas Cox, wrote in 1905: "One of the former slaves visited us when we lived in Iowa".

[4] *United States Statutes at Large,* Vol. II, p. 514.

[5] James's *The Territorial Records of Illinois* (*Publications of the Illinois State Historical Library,* No. III), p. 3. This slender but very valuable volume, which is edited by Edmund J. James, contains the Executive Register for the entire Territorial period and the Journals of the Executive Council and House of Representatives for the year 1812.

[6] His home in Kentucky had been at Russellville, a town southwest of Louisville and near the Tennessee line. We have no evidence that Robert Cox lived in the same part of the State; but that he was well acquainted with Governor Edwards, and that his removal to Illinois was a consequence of that gentleman's appointment and change of residence is at least a plausible conjecture that finds support in the fact that both Robert and Thomas Cox received official appointments at his hands at early periods in their residence at Kaskaskia.

[7] James's *The Territorial Records of Illinois* (*Publications of the Illinois State Historical Library,* No. III), p. 6.

[8] James's *The Territorial Records of Illinois* (*Publications of the Illinois State Historical Library,* No. III), p. 32. On the same day Thomas Cox was appointed to a lieutenancy in the Second Regiment. He had been made ensign in this regiment on March 24th of the preceding year.— See James's *The Territorial Records of Illinois* (*Publications of the Illinois State Historical Library,* No. III), p. 29.

[9] "Col. Cox told me that he had acted as Sheriff of one of the two counties that constituted Illinois in early times, and had taken the census when it had only 6000 population."— Letter from William Salter to the writer.

The census of 1810 found 12,282 inhabitants in Illinois Territory.

The regular Sheriff, Colonel Benjamin Stephenson also emigrated from Kentucky in 1809 and was a very

intimate friend of Governor Edwards. James Gilbreath was appointed Sheriff of Randolph County by Acting Governor Pope as one of his first official acts, April 28, 1809. Governor Edwards removed him on June 28, 1809, and appointed Benjamin Stephenson. —James's *The Territorial Records of Illinois* (*Publications of the Illinois State Historical Library,* No. III), pp. 4, 8.

Stephenson became a Colonel of militia in the War of 1812, Adjutant General of Illinois Territory in 1813, and Delegate to Congress in 1814-1816.—Washburne's *The Edwards Papers* (*Chicago Historical Society's Collection,* Vol. III), p. 120; James's *The Territorial Records of Illinois* (*Publications of the Illinois State Historical Library,* No. III), p. 30.

Gilbreath had quite a different record. *The Territorial Records* (pp. 18, 38) disclose that on February 3, 1811, the Governor remitted a fine imposed upon him for breach of the gambling act, and that in 1815 he was expelled from the Territorial House of Representatives — offense not stated.

[10] Washburne's *The Edwards Papers* (*Chicago Historical Society's Collection,* Vol. III), pp. 72-78. Ninian Edwards, who was Governor during the entire Territorial period, became one of the first two United States Senators from the State of Illinois and in 1826 was elected Governor of the State in whose Territorial career he had so largely figured. His papers, which fill a volume of over six hundred pages, are a most valuable source of information concerning early Illinois and western history.

[11] These forts were: Michilimackinac, Detroit, Niagara, Oswegotché, Point au Fer, Dutchman's Point, and Prairie du Chien.— Stevens's *Illinois in the War of 1812-1814* in *Publication No. 9 of the Illinois State Historical Library,* p. 62.

[12] James's *The Territorial Records of Illinois* (*Publications of the Illinois State Historical Library,* No. III), p. 8.

[13] This roster is given in Stevens's *Illinois in the War of 1812-1814 in Publication No. 9 of the Illinois State Historical Library,* p. 179. The company is listed as Captain Henry Cook's Company with the explanation that it was formerly the company of Captain Samuel Judy. Captain Judy was appointed Major of the Second Battalion of the Second Regiment on April 12, 1812, and his lieutenant, Henry Cook, succeeded him. Judy had been one of Acting Governor Pope's first appointees, having been made Lieutenant of a cavalry company on May 3, 1809. His commission as Captain of the militia of St. Clair County came January 2, 1810, and he became Colonel of the Second Regiment on the death of Colonel William Whiteside in March, 1815. On January 11, 1816, he was appointed Judge of the County Court of Madison County.—James's *The Territorial Records of Illinois* (*Publications of the Illinois State Historical Library,* No. III), pp. 5, 12, 24, 36, 39.

[14] Bankson, who had been a Lieutenant among the temporary appointments in 1810, became Second Lieutenant, United States Rangers, in 1813, Major in the

Second Regiment of Illinois Militia in 1817, and Colonel of the Tenth Regiment in 1818.— James's *The Territorial Records of Illinois* (*Publications of the Illinois State Historical Library,* No. III), pp. 17, 47, 56.

[15] Samuel Hopkins, born in Albemarle County, Virginia, rose to the rank of Colonel in the Revolutionary War, served with distinction at Trenton, Monmouth, and Brandywine, and was severely wounded at Germantown. He settled in Kentucky in 1797, served in its legislature for several terms, and was a member of Congress from 1813 to 1815. In 1819 he died in Kentucky, in Hopkins County — named in his honor.

[16] In the roster of Captain Craig's company we find the name of Robert Cox; but it may be doubted whether this was the father of Thomas Cox, since he must then have been over fifty years old and did not live at Shawneetown.— Stevens's *Illinois in the War of 1812-1814* in *Publication No. 9 of the Illinois State Historical Library,* p. 185.

[17] See letters from Thomas Craig to Governor Edwards, November 16 and December 10, 1812, reporting his actions at Peoria.— Washburne's *The Edwards Papers* (*Chicago Historical Society's Collection,* Vol. III), pp. 85, 86-90.

[18] Thomas Forsythe was later appointed agent for the Sacs and Foxes at the important post of Fort Armstrong. This position he retained until 1831 when he was superseded by Felix St. Vrain.

[19] Antoine LeClaire, a Canadian-French half breed, established a trading post at Milwaukee in 1808 and

was later connected in the fur business with John Kinzie of Fort Dearborn. He espoused the American cause in the War of 1812, and afterwards entered the government service as interpreter. He served in this capacity at Fort Armstrong in 1818, was married to the granddaughter of Acoqua, chief of the Sacs, in 1820; and in the same year made an expedition to Arkansas to watch the movements of the Indians. He returned later to Fort Armstrong and acted as interpreter at the treaty of 1832 by which the United States came into possession of the Black Hawk Purchase. He was one of the proprietors and founders of the town of Davenport and one of its leading citizens for a long period of years.

[20] "Deposit a letter in any post office of Illinois, however remote or obscure, with no other superscription than these three words — 'The Old Ranger' — and it would go straight to him at Belleville."— Quoted in Snyder's *An Inquiry* in *Publication No. 9 of the Illinois State Historical Library*, p. 59.

Governor Reynolds afterward (August 22, 1815) became Judge Advocate of the Second Regiment of the Illinois Militia. He was a Pennsylvanian, born in 1789; and he came to what is now Madison County, Illinois, with his father about 1807.

[21] The details of this expedition as given by Reynolds and by Edwards are presented in Stevens's *Illinois in the War of 1812-1814 in Publication No. 9 of the Illinois State Historical Library*, pp. 131-138.

[22] Quoted from John Reynolds in Stevens's *Illinois in the War of 1812-1814* in *Publication No. 9 of the Illinois State Historical Library*, p. 133.

[23] See letter from General Samuel Hopkins to Governor Shelby, October 6, 1812, printed in Stevens's *Illinois in the War of 1812-1814* in *Publication No. 9 of the Illinois State Historical Library,* pp. 128-131.

[24] James's *The Territorial Records of Illinois* (*Publications of the Illinois State Historical Library,* No. III), pp. 29, 32, 59.

[25] See letter from Ninian Edwards to President James Monroe, December 22, 1820, and letter from President James Monroe to Ninian Edwards, January 23, 1823.— Washburne's *The Edwards Papers* (*Chicago Historical Society's Collection,* Vol. III), pp. 173, 205.

[26] See the rosters given in Stevens's *Illinois in the War of 1812-1814* in *Publication No. 9 of the Illinois State Historical Library,* pp. 171-197.

[27] Nathan Boone, who was a son of Daniel Boone, became, in 1832, Captain in a battalion of Ranger companies under command of Major Henry Dodge, and was sent to Fort Gibson, in the present confines of Oklahoma. A year later he enlisted with the same rank in a regiment of Mounted Rangers commanded by Colonel Henry Dodge, which accomplished a number of important marches in the years 1834 and 1835 extending over an area covering five of the present States of the Mississippi Valley.— See Pelzer's *A Journal of Marches by the First United States Dragoons, 1834-1835* in *The Iowa Journal of History and Politics,* Vol. VII, No. 3, pp. 331-378.

[28] "In an obituary written by Maj. Ben. C. Freeman [who married Augusta Mallard, granddaughter

of Colonel Cox] at my brother Thomas' death, he mentioned my father as having carried despatches from Gen. Harrison's army near the Lakes, presumably to the headquarters of the regular army at Marietta, Ohio, during the War of 1812."— Letter from S. B. Cox to the writer, August 2, 1905.

[29] The original of this portrait is an oil painting executed about 1813 when Cox was twenty-six years old. The canvas was badly wrinkled and marred during the journey of the family across the plains to California. It was restored in later years by a somewhat unskilled artist.

CHAPTER III

[30] Genealogy of the Cox family by S. Bolivar Cox and Thomas E. Nichols, published in the *Jackson Sentinel* in June, 1905. The mother died in 1843 at Bellevue, Iowa.

[31] "Mrs. Cox told me that she was a native of Rhode Island, her mother a Quakeress, and that she came at the age of sixteen to Ste. Genevieve, Mo."— Quoted from a letter by Rev. William Salter to the writer.

[32] Daniel Bartlett's children were:

(a) Daniel, who went south to look at the country shortly after the family reached Missouri and died in Little Rock, Arkansas. He never married.

(b) William, who married in Cincinnati when the family was on the way to Missouri. He separated from his wife, and there were no

children. He died on the Bartlett farm near Ste. Genevieve, in 1837.

(c) Susan, who married Elijah Carter and went to Cincinnati to reside.

(d) Roba, born at Cumberland Hill, Rhode Island, 1793; married Thomas Cox, 1815, at Kaskaskia, Illinois; and died in Los Angeles, California, August 18, 1883.

(e) Deborah, who married Thomas Carter, the brother of Elijah, and went to Cincinnati to reside.

(f) Lemuel, who married in Missouri and had one child. He separated from his wife and died on the Bartlett farm, near Ste. Genevieve, in 1836.

(g) Rowena, who never married. She was a portrait painter, and painted the pictures of several members of the family. She went to Cincinnati to live, and died there.

(h) Mary, who married Edward Mitchell and died in Springfield, Illinois.

[33] "July 31st [1816] furnishes the same tedious advertisements, tells the same negro stories, but flashes a new light by stating that Benjamin Munn has 150 barrels of Kanhawa salt for sale, while Thomas Cox advertises at Kaskaskia, a tavern on the bank of the river, where he intends keeping the best viands the country affords, not forgetting to state that he is 'well supplied with the best of liquors.' " The above is quoted from Burnham's *An Early Illinois Newspaper* in *Publication No. 8 of the Illinois State His-*

torical Library, p. 185. The article consists of extracts from, and comments upon the files of the *Western Intelligencer,* the successor of the *Illinois Herald* published at Kaskaskia.

[34] Thomas and Roba [Bartlett] Cox had seven children. The mother died at Los Angeles, California, at the age of ninety years. Mr. S. B. Cox of Los Angeles, supplies the following list of the children of Thomas Cox:

(a) Daniel, born at Jonesboro, Illinois, September, 1816; married —— Gates, in Jefferson County, Missouri, in 1838; died in 1841, leaving one child that died in infancy.

(b) Florida, born at Kaskaskia, Illinois, January 7, 1819; married John Gregg Nichols on March 15, 1838, at White Oak Springs, Wisconsin; and died May 31, 1877, at Los Angeles, California, leaving the following six children:

i. Daniel Bartlett born at Bellevue, Iowa, in 1843; married Ada McDaniels. Three daughters.

ii. Roba, born at Andrew, Iowa, in 1844; married to John Carlin. No children.

iii. John Gregg, born at Los Angeles, California, 1851; married Cornelia Stanford. One son, two daughters. John Gregg Nichols was the first child of American parents born in Los Angeles.

iv. Florida, born at Los Angeles, Califor-

nia, 1855; and married John S. Carr. One son and two daughters.

v. Thomas Edwin, born at Los Angeles, California, January 6, 1858; married Ella Galloway at Tucson, Arizona, March 2, 1883. Two sons, three daughters.

vi. Elmer Ellsworth, born at Los Angeles, California, June 2, 1860; and married Nellie Thayer; died at Los Angeles, California, February, 1901, leaving one daughter, Corinne.

Note — Florida Cox Nichols had three other children, who died before her, Cordelia and Augustus, both born before Daniel Bartlett, and both of whom died in early childhood; and also Lewis Cass, born at Andrew, Iowa, 1848, and died at Los Angeles, California, May 1, 1872, unmarried.

(c) Mary Alexandria, born September 26, 1820, at Jonesboro, Illinois; married Jonathan Rensselaer Scott, June 12, 1851, at Los Angeles, California; and died September 4, 1891, at Los Angeles, California, leaving the following five children:

i. Frances, born at Los Angeles, California; and died February 2, 1899, at Los Angeles, California. Unmarried.

ii. Jonathan Rensselaer, born at Los Angeles, California; and married Lucy

Darby Connell. One son and two daughters.

iii. Harriette, born at Los Angeles, California; and married Bowles E. Taney. One son, two daughters.

iv. Emily, born at Los Angeles, California; and married Du Ray Smith. Two sons.

v. Rowena, born at Los Angeles, California; and married William Ewen. One son, four daughters.

(d) Cordelia, born December 7, 1822, at Springfield, Illinois; married Joseph Stillman Mallard at Richland, Iowa, May 1, 1845; died at Los Angeles, California, May 14, 1899, leaving the following children:

i. Mary, born at Andrew, Iowa; married Isaae R. Dunkelberger. Three sons, two daughters.

ii. Augusta, born at Andrew, Iowa; married Ben C. Truman. One daughter.

iii. Josephine, born at Lugo's Raneh, San Bernardino County, California, January 6, 1850. Unmarried.

iv. Belle, born at San Gabriel, California; married James Fulton. One son.

v. Henry, born at Los Angeles, California, November 12, 1856; died near Indio, Riverside County, California, on July 18, 1895. Unmarried.

vi. Walter, born at Los Angeles, Califor-

nia; married Alice Whipple. No children.

vii. Clarence Stillman, born at Los Angeles, California. Unmarried.

Note — Cordelia Cox Mallard had two other children, who died before her, Thomas and Tucie, both of whom died in infancy.

(e) Thomas, born November 9, 1824, at Springfield, Illinois; died May 1, 1897, near Los Angeles, California. Unmarried.

(f) Simon Bolivar, born at Springfield, Illinois, September 16, 1832; married Arlena Emery, 1878; and had five children, Mildred, Roba, Emma, Arthur, and Horace. The last two died in infancy. S. B. Cox died at Hollywood, California, March 24, 1906.

(g) Phoebe, born on the Bartlett farm, on the Isle Bois River, Missouri, on January 8, 1835. Unmarried.

[35] James's *The Territorial Records of Illinois* (*Publications of the Illinois State Historical Library,* No. III), p. 57. The name is there spelled "Coxe" but there can be little doubt of the identity.

[36] Washburne's *The Edwards Papers* (*Chicago Historical Society's Collection,* Vol. III), p. 149.

[37] The letter is printed in Washburne's *The Edwards Papers* (*Chicago Historical Society's Collection,* Vol. III), pp. 153-155.

[38] Washburne makes the following comment upon

the matter contained in the postscript: "This must have been a gross misrepresentation, for Governor Edwards was always most liberal in his support of all donations of public lands."

[39] Washburne's *The Edwards Papers* (*Chicago Historical Society's Collection*, Vol. III), p. 153.

CHAPTER IV

[40] Donaldson's *The Public Domain* in *House Miscellaneous Documents*, 2nd Session, 47th Congress, 1882-1883, Vol. XVI, pp. 201-205.

[41] *United States Statutes at Large*, Vol. III, p. 566.

[42] Washburne's *The Edwards Papers* (*Chicago Historical Society's Collection*, Vol. III), p. 205.

[43] Letter from Mr. W. A. Richards, Commissioner of the General Land Office, Washington, D. C., to the writer, April 22, 1905.

The appointment of Cox was perhaps decided upon more than a year before, if one may depend upon the date of a letter written by Senator Edwards to President Monroe which is given in *The Edwards Papers* (p. 173). A controversy had arisen between the Senator and the President in regard to appointments. Mr. Monroe seemed to feel that Governor Edwards was disposed to assume an absolute right of selection of officials in his State. The feeling became so bitter as to elicit the interference of Attorney General William Wirt, who was an intimate personal friend of Ninian Edwards.

There was also a growing feeling of rivalry and jealousy between the two Illinois Senators — Ed-

wards and Thomas. Indeed, during the Monroe administration (that era of good feeling when political parties almost ceased to exist) the only line that seemed to divide voters in Illinois was that between adherents of the two Senators. The letter in question, which bears date of December 22, 1820, was written by Edwards primarily to protest against an appointment to a land office of one Philip Foulke, who had been recommended by Senator Thomas. The Senator discusses the matter of appointments, defends himself from imputations of unworthy motives, and warmly presents the claims of a friend of his own.

In the letter occurs the following sentence: "As to Gen. Smith's nomination, . . . his is the only nomination to a land office appointment out of the last seven that have been made in Illinois which the Representative of the State and myself together are to have the credit of having been able to procure, for the most extraordinary efforts are making to show that the appointment of Col. Cox was procured through the influence of my colleague although you know to the contrary."

This language is not easy to understand when we reflect that the appointment of Colonel Cox at Springfield was not made until January, 1823. A possible explanation is that it was not practicable to establish the land district sooner.

[44] Power's *A History of the Early Settlers in Sangamon County, Illinois*, p. 289.

[45] In 1827 Elijah Iles became Major in a regiment of militia in the Winnebago Indian War of that year. In 1832 he was commissioned Captain of a company

raised for temporary service of twenty days in the Black Hawk War. Abraham Lincoln enlisted in this company as a private after having been mustered out as Captain. From 1826 to 1830 Major Iles was State Senator and was one of the "Long Nine" delegation (of which Lincoln was also a member) which secured the choice of Springfield as State Capital.

[46] Power's *A History of the Early Settlers in Sangamon County, Illinois,* pp. 44, 289, 397-399. See also Washburne's *The Edwards Papers* (*Chicago Historical Society's Collection,* Vol. III), p. 211.

[47] Power's *A History of the Early Settlers in Sangamon County, Illinois,* p. 398.

[48] Power's *A History of the Early Settlers in Sangamon County, Illinois,* p. 356.

[49] Letter from Commissioner of the General Land Office, Washington, D. C., to the writer, April 22, 1905.

His successor, Dr. John Todd was a Kentuckian who had seen service in the War of 1812, and at the time of his appointment was living at Edwardsville, Illinois. He was an uncle of Mrs. Abraham Lincoln.

[50] Washburne's *The Edwards Papers* (*Chicago Historical Society's Collection,* Vol. III), pp. 336, 337.

CHAPTER V

[51] Edward Mitchell married Mary Bartlett, a sister of Mrs. Thomas Cox, who died in 1830. He was Postmaster at Springfield under John Quincy Adams, and Recorder of Sangamon County from 1827 to

1835. He died in 1836.— Power's *A History of the Early Settlers in Sangamon County, Illinois,* p. 54.

[52] *Collections of the State Historical Society of Wisconsin,* Vol. II, p. 329.

[53] Stevens's *The Black Hawk War,* pp. 81-91.

[54] Stevens's *The Black Hawk War,* pp. 96-98. This treaty was negotiated at Fort Armstrong on June 30, 1831, and signed by Edmund P. Gaines, John Reynolds, and twenty-eight chiefs, braves, and warriors of the Sacs and Foxes, among them Black Hawk.

[55] A letter from Mr. S. B. Cox states that his mother had informed him that Thomas Cox was proffered the position of Colonel by the Governor in the Black Hawk War.

[56] Compare letter by Hooper Warren to Governor Ninian Edwards, April 1, 1828, in Washburne's *The Edwards Papers* (*Chicago Historical Society's Collection,* Vol. III), p. 336.

[57] The fact that Colonel Collins was given his commission at the solicitation of Thomas Cox was related to Mr. S. B. Cox by his mother, the wife of Colonel Thomas Cox.

CHAPTER VI

[58] A very detailed account of the Black Hawk War is given in Stevens's *The Black Hawk War* — a volume containing material of great value. Much of the information contained in the present chapter was obtained from this source.

[59] Stevens's *The Black Hawk War,* p. 217.

[60] The rosters of Illinois soldiers in the Black Hawk War show that all of Lindsey's company were present at the battle of Wisconsin Heights, except one discharged, three detailed, and one furloughed; that on July 20, 1832, four were furloughed at "Casleman"; and that Thomas Cox was not one of those who thus left the company.

CHAPTER VII

[61] Kappler's *Indian Affairs,* Vol. II, p. 349.

[62] The information concerning the work of Colonel Cox as United States Deputy Surveyor was obtained from a letter by J. H. Fingle, Acting Commissioner of the General Land Office at Washington, D. C., to the writer, June 14, 1904.

[63] General John G. McDonald was born in Scotland, December 19, 1798. Of his early life we only know that he lived in Indiana before he came to Illinois. He served in the Black Hawk War as a Lieutenant in Major Henry Dodge's battalion of United States Rangers, organized about the close of that struggle but employed in garrison and scouting duty under General Scott. Colonel Cox became acquainted with him and learned of his ability as a surveyor in Illinois, and so secured his services for the work in the Black Hawk Purchase.

[64] They were Solomon, Gabriel, and Allen W. Pence, David Scott, Joshua Beers, Joseph Skinner, Pingry, and Perkins. The Pences came first in May from Henderson County, Illinois, planted some sod corn, then returned to Illinois for their families. They met

the other five families in Illinois and directed them to a location.

[65] William Morden was a Canadian who had lived for several years near Cleveland, Ohio. He became immediately prominent in pioneer politics; was chosen as one of the first Board of Commissioners when Jackson County was organized in the spring of 1838; and was a member of the Constitutional Convention of 1844.

CHAPTER VIII

[66] The name of this early county under Michigan Territory was spelled in one word without the letter s. In December, 1836, the county was reduced in size and the spelling of the name changed to Des Moines.

[67] W. A. Warren was appointed by Governor Henry Dodge as the first Sheriff of Jackson County and continued in that office under the Iowa Territorial organization until 1845. He was a member of the Iowa Constitutional Convention of 1844. During the Civil War he served as Captain and Assistant Quartermaster by appointment from President Lincoln.

John H. Rose was the first Clerk of the Courts of Jackson County and held a commission as Colonel in the Iowa Militia.

John D. Bell in 1834 was, in a sense, the proprietor of the town site which took its name Bellview from him. The name was afterwards changed to its French spelling Bellevue, which better expresses the charm of its delightful situation.

[68] For a discussion of Iowa counties see Garver's

History of the Establishment of Counties in Iowa in *The Iowa Journal of History and Politics,* Vol. VI, No. 3, July, 1908, p. 375; Garver's *Boundary History of the Counties of Iowa* in *The Iowa Journal of History and Politics,* Vol. VII, No. 1, January, 1909, p. 3; and Garver's *A Critical Study of the Definition and Alteration of County Boundaries in Iowa* in *The Iowa Journal of History and Politics,* Vol. VII, No. 3, July, 1909, p. 402.

[69] James K. Moss, to whom Governor Lucas's letter was addressed, was the first merchant who brought a stock of goods to Bellevue (in 1836). He became a member of the Territorial House of Representatives in 1841, being elected at a special election after Colonel Cox who had been chosen for the place resigned. Nic. Jefferson also kept a store in Bellevue, having arrived there a few months later than Moss. Of the residence and history of B. Rodefer nothing has been learned.

[70] A detailed record of the members of the First Territorial Assembly is given by Charles Negus in his *The Early History of Iowa* in the *Annals of Iowa,* Vol. VII, No. 4, October, 1869, pp. 322-324.

[71] *Journal of the House of Representatives* of the Territory of Iowa, 1838-1839, pp. 3, 4.

[72] *Journal of the House of Representatives* of the Territory of Iowa, 1838-1839, p. 28.

[73] *Journal of the House of Representatives* of the Territory of Iowa, 1838-1839, p. 201.

CHAPTER IX

[74] The controversy between Governor Lucas and the Legislative Assembly is discussed in chapters XVIII-XXII of Parish's *Robert Lucas.* Many of the documents are to be found in the *Journals* of the Council and House of Representatives, in Shambaugh's *Messages and Proclamations of the Governors of Iowa,* Vol. I, and in Shambaugh's *Executive Journal of Iowa, 1838-1841.*

[75] *Journal of the House of Representatives* of the Territory of Iowa, 1838-1839, p. 61.

[76] This memorial may be found in the *Journal of the House of Representatives* of the Territory of Iowa, 1838-1839, p. 257. Leave was asked by John Frierson to present a minority report upholding Governor Lucas, but the privilege was denied.

CHAPTER X

[77] *Journal of the House of Representatives* of the Territory of Iowa, 1838-1839, p. 157.

[78] The section as first proposed by Mr. Hempstead provided that the location should be within twenty townships named, which would have included the southern tier of townships in Linn County. Mr. Clark moved to strike out the limits mentioned and to insert "within the present limits of Johnson County", which was carried by a vote of ten to three. Hempstead himself voted for it, as did also Mr. Keith, one of the Mount Pleasant adherents.

[79] Theodore S. Parvin has made a singular error in

writing about the part borne by Colonel Cox in this capital locating contest. Mr. Parvin as a young man acted as private secretary to Governor Lucas, and was therefore present in Burlington during the session of that first Territorial Assembly and familiar with its proceedings. The imbroglio of the Governor with Secretary Conway involved also a hostility on the part of the Secretary towards young Parvin, which was manifested in some reports made to the legislature which afford some of the raciest reading that ever appeared in public documents. Colonel Cox was a bitter partisan in the controversy as a friend of Conway's and was not, therefore, at all friendly to Parvin. That this fact had any influence upon Parvin's memory of the facts is not probable, but it perhaps did prevent his having had at the time personal knowledge of Colonel Cox's ideas and efforts.

The first public utterance by Parvin on the subject was in an address before the Iowa Pioneer Lawmakers' Association in 1892, when he said: "His [Colonel Cox's] vote was the turning point in the location of the Capitol at Iowa City, and the Territory and State became indebted to him by whose vote the location was determined." Again, in an address before the same body in 1900 Parvin told a graphic story of the efforts made by the adherents and the opponents of Mount Pleasant to gain votes. In this he made the assertion that the result hung upon the vote of one man (without naming him), and that his vote was won and retained by sinister means in which the celebration of Jackson Day (January 8th) bore a part. A letter written by Parvin to Rev. William

Salter in November, 1900, which the writer has been permitted to copy, tells the same story with Colonel Cox as its subject, and by this letter it appears that Mr. S. C. Hastings, then a member from Muscatine, was authority for the incidents upon which it was based.

Now the evidence of the House *Journal,* which has been fully presented in the text, shows that the contest was all over and the last votes taken on the 3d of January. Jackson Day had no part or lot in it. The *Journal* shows, too, that so far from the vote of Colonel Cox being an uncertain factor to be competed for, he was from the first a leader of the forces arrayed against Mount Pleasant, active, vigilant, and resourceful. The wavering votes clearly show in the record, and it would be difficult to center the final result upon any one man.

In this connection we would cite the assertion of Hawkins Taylor, who in a letter to the Pioneer Lawmakers' Association in 1894 says that during that first Territorial Assembly he did not see a single member intoxicated. The *Journal* record demonstrates that it was a busy session; every member was on his mettle, intensely interested in his new duties and unwilling to allow extraneous pleasures to divert him therefrom.

It is due Parvin, however, to say that internal evidence in the *Journal* of the session of 1839-1840, of which Assembly also Colonel Cox and Mr. Hastings were both members, would indicate that a convivial observance of Jackson Day in 1840 is inherently probable. So we are compelled to believe that Hastings's story, filtered down through sixty years of the

memory of Parvin, related to the second year of his joint service with Colonel Cox instead of the first, and that the Territory and State did become indebted to Colonel Cox for the location of the capital at Iowa City, but in the wider sense of his having created the idea rather than his having cast a reluctant ballot which determined such location.

[80] *Laws of the Territory of Iowa,* 1838-1839, p. 437.

CHAPTER XI

[81] A courier had ridden thirty-five miles and returned in twelve hours to secure the attendance of John Ronalds of Louisa County, who with Chauncey Swan of Dubuque constituted the necessary quorum. See Shambaugh's *Iowa City: A Contribution to the Early History of Iowa,* pp. 21, 22.

[82] Shambaugh's *Iowa City: A Contribution to the Early History of Iowa,* pp. 26, 27.

[83] This report of Chauncey Swan is printed in the *Journal of the House of Representatives* of the Territory of Iowa, 1839-1840, pp. 121-125.

CHAPTER XII

[84] A vote taken on the last day of the session, January 17, 1840, on a resolution approving of the message of President Van Buren on the currency question, would indicate the political affiliations of the House to have been as follows: *Democrats* — Bailey, Biggs, Brewer, Coop, Cox, English, Fleenor, Langworthy, Leffler, Mintun, Myers, Patterson, Robertson, Summers, and Johnston (15); *Whigs* — Churchman, Hall,

Hawkins, Owen, Rich, Ross, Walworth, and Wheeler (8). Clark, Hastings, and Lash did not vote, but we have information from other sources that they were Democrats.

CHAPTER XIII

[85] The history of the Missouri-Iowa boundary dispute has been very fully and fairly given in Chapter XXII of Parish's *Robert Lucas* in the *Iowa Biographical Series,* in which the part taken by Governor Robert Lucas is especially set forth. Dr. Louis Pelzer in Chapter VI of his *Augustus Caesar Dodge,* published in the same series, has made a comprehensive résumé of the dispute, in which the controversies which it evoked in Congress and the part borne therein by Delegate A. C. Dodge have adequate treatment. In both of these presentations the sources from which our knowledge of the several phases of the controversy are derived have been thoroughly sifted and citations duly set forth.

The writer has prepared for publication in a volume on the *Early Military History of Iowa* in the *Roster and Record of Iowa Soldiers* (which series is being published by the State of Iowa) an account of the part taken in the affair by the Iowa Territorial Militia, with which are embodied some documents from the office of the Adjutant General of Iowa not previously available.

Colonel Cox comes in touch with this lively episode in Iowa history only through his share in the part taken in it by the Territorial Assembly. His county (Jackson) shared in the military ardor aroused by

the call upon the militia, and two or three companies assembled there and drilled until the truce was promulgated.

[86] Parish's *Robert Lucas,* p. 237.

[87] Shambaugh's *Messages and Proclamations of the Governors of Iowa,* Vol. I, pp. 124-130, 217-241.

[88] Pelzer's *Augustus Caesar Dodge,* pp. 81, 82.

[89] *Journal of the House of Representatives* of the Territory of Iowa, 1839-1840, p. 98.

[90] *Journal of the House of Representatives* of the Territory of Iowa, 1839-1840, pp. 102, 103.

CHAPTER XIV

[91] Mr. Charles Blacksten of Jackson County, Iowa, remembers that in the early fifties vigilance committees were organized in all of the northern Indiana counties, with the tacit consent of the State authorities, and continued in existence several years, during which time they succeeded by most strenuous means in ridding their country and southern Michigan of those detestable gangs of thieves.

[92] *History of Jackson County, Iowa* (1879), p. 324.

[93] *History of Jackson County, Iowa* (1879), p. 364. The statements in this work in regard to the Bellevue War are all based upon an account written by Captain W. A. Warren who was Sheriff at the time. Warren had first written his account in 1865 for publication by Henry Howe in the *Loyal West.*— See *Annals of Iowa,* Vol. VII, No. 2, April, 1869, p. 188.

[94] The purchaser was Thomas Graham who in 1845 was nominated for Representative in the Territorial legislature. He died before the election day, and his son of the same name was elected in his place.

[95] Letter from Judge T. S. Wilson to Captain W. A. Warren, September 30, 1879.

CHAPTER XV

[96] From his home in Iowa County, Wisconsin Territory, Colonel Collins had been elected in 1838 to serve in the third session of the legislature of Wisconsin Territory, a vacancy having been occasioned by the resignation of George F. Smith. This session was held at Burlington where he met and became acquainted with some of the men with whom he was now to act in a tragic drama. During the same year he was elected to the Territorial Council of Wisconsin, and was a member of that body at the time the events at Bellevue occurred. He served in all six sessions in the Council and became its President in 1839.— See *Journal of the House of Representatives* of the Territory of Wisconsin, Extra Session, June, 1838, p. 3; *Journals of the Council* of the Territory of Wisconsin, 1838-1842; Strong's *History of the Territory of Wisconsin,* pp. 267, 269, 280, 302.

[97] The members of the Sheriff's posse who had seen service in the Black Hawk War were, so far as can be recognized from the lists in Adjutant General Elliott's *Illinois Soldiers in the Black Hawk and Mexican Wars,* the following:

Thomas Cox, private in Captain A. F. Lindsey's Company of Major Ewing's Spy Battalion.

James Collins, Colonel of Fourth Regiment, Third Brigade, Macoupin, Pike, Sangamon, and Alexander Counties.

Hastings Sandridge and Joshua Seamands, privates in Captain Bennet Nowlen's Company, Macoupin County, Fourth Regiment, Third Brigade. The Third Brigade was commanded by Brigadier General James D. Henry.

John D. Bell, Sergeant in Captain M. M. Maugh's Company, Twenty-seventh Regiment, Illinois Militia, Jo Daviess County.

James Beaty and John Stukey, privates in same company.

Enoch Neville, private in Captain Nicholas Dowling's Company of Artillery, Twenty-seventh Regiment, Illinois Militia, Jo Daviess County.

Thomas Graham and James McCabe, privates in Captain Jonathan Craig's Company, Twenty-seventh Regiment, Illinois Militia, Jo Daviess County.

William Dyas, private in Captain Benj. J. Aldenrath's Company, Twenty-seventh Regiment, Illinois Militia, Jo Daviess County.

J. S. Kirkpatrick, private in Captain James Craig's Company Mounted Volunteers of Jo Daviess County attached to command of Colonel Henry Dodge.

James L. Kirkpatrick, First Lieutenant in Captain Enoch Duncan's Company of Mounted Riflemen attached to command of Colonel Henry Dodge, Jo Daviess County.

John Foley, Sergeant, and William Jonas, Vincent Smith, Thomas Sublett, and William Vance, privates in Captain Duncan's Company.

William A. Warren enlisted in a local organization in Galena, commanded by Captain John Jameson when there was an Indian alarm in 1831; but the company was not mustered into United States service and therefore its roll does not appear in General Elliott's *Record*.

Other Black Hawk War soldiers in Jackson County at the time who for various reasons did not appear in the posse were so far as ascertained:

Rev. Nathan Said, Sergeant, and his brother Jesse Said, Corporal of Captain Reuben Brown's Company from Sangamon County, in Colonel Collins's regiment, who lived near the west line of the County.

Charles Bilto, of Captain Jonathan Craig's Galena Company lived in Bellevue but took no part on either side.

William L. Potts, who lived on Deep Creek, but just over the line in Clinton County, had the interesting experience (which he probably regarded of no importance at that time) of serving in the same companies with Abraham Lincoln, in Captain Elijah Iles's Company, and in Captain Jacob M. Early's Company. He was also enrolled in Captain L. W. Goodan's Company, and transferred from it to Captain John Dawson's Company of a mounted spy battalion.

[98] Captain Warren states (*History of Jackson County, Iowa* (1879), p. 396) that Mr. Farley had

promised his attendance; but the account given by Joseph Henry, an eye witness of the battle (*Annals of Jackson County, Iowa,* No. 2, 1906, p. 80) and a statement in the biography of Farley's son (*Biographical Album of Jackson County, Iowa,* p. 616) lead one to believe that he had no knowledge of the gathering until he met Warren. None of the other Deep Creek settlers were there, but from what is known of their character it is probable that they would not have allowed Mr. Farley to go alone if they had been notified.

[99] The writer has followed the version of Constable Joseph Henry, published in J. W. Ellis's interview in the *Annals of Jackson County, Iowa,* No. 2, 1906, p. 79. All agree that V. K. Smith was one of those who shot Brown, but Warren says that "the ball from Sheriff James Watkins gun killed Brown"; while N. B. Butterworth had heard that Peter Mullen was Smith's companion.

[100] This story of McDonald's heroic action was told by N. B. Butterworth of Andrew. Mr. Butterworth was a boy of only ten years at the time, but his father kept a public house near Andrew where the events of the Bellevue War were discussed by guests in the boy's hearing for years afterwards. Thus there is no one now living who is so well informed on all phases of that remarkable event as Mr. Butterworth, and most of the incidents herein related have been verified by his phenomenal memory.

[101] Letter from his son, R. H. McDonald of Halsted, Kansas, to the writer.

[102] From *History of Jackson County, Iowa* (1879), p. 399, quoting from William A. Warren's history of the Bellevue War as published in the *Bellevue Leader* in 1875.

[103] Jesse Burke was a runaway negro slave who had come to the Territory as early as 1837.

CHAPTER XVI

[104] From *History of Jackson County, Iowa* (1879), p. 401, quoting from William A. Warren's history of the Bellevue War as published in the *Bellevue Leader* in 1875.

[105] *History of Jackson County, Iowa* (1879), p. 617. Judge Wilson was mistaken in supposing that the court record would show the report of the Grand Jury. The record shows that two bills were returned, but is silent in regard to any case which may have been investigated but in which no bill of indictment was found.

Captain Warren, in a letter published in the *History of Jackson County, Iowa* (1879), p. 617, states that Anson Harrington, who was one of the parties chiefly implicated, addressed the court and for himself and associates consented to and demanded that a special Sheriff be appointed, a new Grand Jury impaneled and their conduct fully investigated. Warren also states that Rev. J. S. Kirkpatrick was appointed special Sheriff, and that he impaneled a new Grand Jury. This is contradicted by the court record which shows that Francis Gehon was appointed "acting Coroner." It was necessary to have a Coroner to serve papers on the Sheriff if it became necessary.

The Acting Coroner summoned a venire of twenty-two persons as a Grand Jury and it would appear from the court proceedings recorded on page 149 of the *Jackson County District Court Record Book No. 1* that the entire list acted in the consideration of cases brought before them. Only one of the number (H. G. Magoun) has ever been credited with having been a member of that Sheriff's posse at Bellevue.

The following is the venire with their residence within present township boundary lines so far as known: Peter Sahramling (Union), Anson Newberry (Iowa), H. K. Magoun (Tête des Morts), N. Butterworth (Perry), Levi Decker (Maquoketa), Fielden Breeden, Thomas Owen, Jones Edwards, Richard Breeden, R. O. Breeden, Thomas Furnish (Farmers' Creek), Shadraeh Burleson, Thomas Coffee, J. S. Mallard (South Fork), Nathan Said, Caleb Said (Brandon), William Jones (Perry), G. Carr, Abner Wilson, U. P. Boon, Henry Field, A. P. Field (residence unknown to the author).

CHAPTER XVII

[106] A sketch of the life of "Old Shade" Burleson, as he was generally known, has recently been written by John O. Seeley, under the pen name of "Farmer Buckhorn", and published by the Jackson County Historical Society in the *Annals of Jackson County, Iowa,* No. 2, 1906. This marshals the facts and arguments in defense of Brown so far as known. In the same pamphlet is reported an interview by J. W. Ellis with Joseph Henry who was a constable in

Bellevue and an eye-witness of the battle. Henry also defends Brown.

[107] These letters are to be found in a collection of the *Letters and Papers of Robert Lucas*, in the possession of The State Historical Society of Iowa, Iowa City, Iowa.

[108] A regularly organized Vigilance Committee existed in Jackson County in 1857, which conducted the lynching of two murderers; but so far as can be ascertained no one engaged in the Bellevue War had any connection with it.

[109] Two of the Sheriff's posse, Colonel Cox and Colonel Collins, were members of the law-making bodies of Iowa and of Wisconsin. Collins became President of the Territorial Council of Wisconsin, was the Whig candidate for Delegate to Congress from that Territory in 1845, when Morgan L. Martin of Green Bay was elected, and in later years he was a member of the State legislature of California and Brigadier General of Militia in that State. He also served as Colonel of the Sixth Illinois Infantry in the Mexican War, and in common with other colonels in that war was presented with a sword by the legislature of the State upon his return.

John Foley, a participant, had been a member of the first legislature of Wisconsin Territory which met at Belmont and Burlington. In 1843 he was elected to the House of Representatives of the Territory of Iowa. He was also Sheriff of Jackson County from 1853 to 1855, and again in 1859 to 1861.

Sheriff William A. Warren held the office of Sheriff

continuously from 1838 to 1845. In 1857 he was elected a member of the Iowa Constitutional Convention which met in that year, and rendered useful and conspicuous service. In 1860 he was a delegate to the Republican National Convention which nominated Abraham Lincoln for President of the United States. In 1862 he was commissioned by President Lincoln as Captain and Assistant Quartermaster of United States Volunteers and served in that responsible position for three years, during which time he handled millions of dollars worth of government property. He served as Justice of the Peace in Bellevue almost continuously for over twenty-five years.

General John G. McDonald was Lieutenant in a battalion of United States Mounted Rangers under command of Major Henry Dodge in 1832, and later became a Brigadier General in the Iowa Territorial Militia. He was County Surveyor of Jackson County from 1839 to 1843, served for a short time by appointment as Clerk of the Courts (1841-1842) and became County Recorder from 1842 to 1845. In 1849 as Deputy United States Surveyor he had charge of the survey of nine townships in Allamakee County. The quality of General McDonald's heroism in the Bellevue battle will be better appreciated when we know that his honeymoon was scarcely over, his marriage to Margaret A. Hildreth at Burlington having taken place on January 16, 1840.

James K. Moss was appointed Postmaster of Bellevue, November 1, 1839. He was also appointed, during the same year, Probate Judge for Jackson County by Governor Lucas. In the fall of 1840, having been

succeeded as Judge by Anson Harrington, he was appointed Clerk of the District Court. In 1841 he was elected a member of the Territorial House of Representatives.

Rev. J. S. Kirkpatrick did not handle a gun that day, but he was an adviser and sympathizer. He was elected to the Territorial Council in 1840 from the district which included Dubuque County; and in 1844 he became a member of the first Constitutional Convention. Colonel Samuel W. Durham, who was a fellow member of that Convention in a recent address before the Linn County Historical Society, said of him: "Rev. Scott Kirkpatrick, of Jackson County, an Illinoian, was the largest and tallest and jolliest member and a good speaker." Kirkpatrick was a man of magnificent physique, six feet four inches in height, and of prodigious strength, it being said of him that he could lift a barrel of lead mineral. He had served in the Black Hawk War, as did also his brother, Lieutenant James L. Kirkpatrick, an active participant, who had been County Coroner. In 1846 he became one of the Board of County Commissioners.

John T. Sublett, a very active participant, was County Recorder at the time; and John Howe, another participant, was County Treasurer. George Watkins became one of the board of County Commissioners at the election in 1840; and his son, James Watkins, also a participant, was Sheriff of Jackson County from 1847 to 1853, from 1855 to 1857, and from 1861 to 1865.

Another participant, Captain L. M. Hilyard, was Captain of a company in the First Regiment, Third

Division, Iowa Territorial Militia. He carried a tomahawk in his belt during the battle and had its handle broken by a bullet. His militia company became the most thoroughly organized one in the county, and took the name of "Brush Creek Rangers".

William Morden was not present on the 1st of April so far as we know, but he had advised and helped plan the movement. He was one of the County Commissioners at the time, and later was a colleague of Scott Kirkpatrick's in the first Constitutional Convention. He was also in 1856 elected a member of the Sixth General Assembly of Iowa.

CHAPTER XVIII

[110] The *Journal* of this extra session was discovered in the office of the Secretary of State by Theodore S. Parvin, and was published for the first time in 1902 by the Historical Department of Iowa.

[111] *Journal of the House of Representatives* of the Territory of Iowa, 1840-1841, p. 4.

CHAPTER XIX

[112] *Laws of the Territory of Iowa,* Extra Session, July, 1840, p. 22.

[113] Knoll's *Governor Stephen Hempstead* in *Proceedings of the Pioneer Lawmakers' Association of Iowa,* 1898, p. 139. Mr. Knoll's sketch, however, is largely from memory and is inaccurate in several particulars.

[114] These facts concerning the election are mostly taken from a letter by Colonel P. W. Crawford.

printed in the *Annals of Jackson County, Iowa*, No. 1, 1905, p. 64.

[115] Dr. John C. Parish of The State Historical Society of Iowa kindly supplies the following memorandum:

The following is in reply to your questions regarding the Deadlock of 1842 to 1843. The two opposing papers of Iowa City, the *Standard* (Whig) and the *Capitol Reporter* (Democrat), agree as to party affiliations of the members of the Fifth and Sixth Legislative Assemblies, with the exception of Joseph B. Teas. Mr. Teas is claimed as a Democrat by the *Capitol Reporter* in the issue giving the results of the election, and just as stoutly claimed as a Whig in the *Iowa Standard* in the next issue. Teas, however, was nominated for President of the Council for the Fifth Legislative Assembly by Shepherd Leffler, Democrat, and was, as the records of the Council show, the principal opponent, for that office, of Springer and Elbert, both Whigs. The following is the party affiliation of the Council as agreed to by both party papers of the time:

Cook	Whig
R. G. Patterson	Whig
Elbert	Whig
Wallace	Whig
Springer	Whig
Christie	Whig
Harris	Democrat
Leffler	Democrat
Wm. Patterson	Democrat
Jenkins	Democrat
Cox	Democrat
Gehon	Democrat
Teas	Claimed by both parties

Neither of the Iowa City papers discuss the deadlock at all

Teas also voted with the Democrats on one of the last days of the session on a joint resolution relative to the fine imposed upon General Jackson.

CHAPTER XX

[116] *Journal of the Council* of the Territory of Iowa, 1843-1844, pp. 65, 66.

[117] Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. I, pp. 269-277.

[118] *Journal of the Council* of the Territory of Iowa, 1843-1844, pp. 46, 47.

[119] The information in regard to this session was supplied by Professor Benj. F. Shambaugh of the The State University of Iowa.

CHAPTER XXI

[120] Theodore S. Parvin states that when the first Governor of the State of Iowa was chosen in 1846 Jackson County was conceded by the Democratic nominating convention the privilege of naming the candidate. The choice was Ansel Briggs, a neighbor of Colonel Cox, who had served in the House of Representatives of the Fifth Legislative Assembly when Cox was in the Council. It is probable that Cox would have been the candidate thus chosen if he had been living.— See Parvin's *Hon. John James Dyer* in the *Iowa Historical Record*, Vol. XIII, No. 1, January, 1897, p. 3.

[121] "Don't shoot into that tree, my boy. I am going to be buried under it." These words, according to Charles W. Farr of Maquoketa, were uttered by Colonel Cox less than a year before his death and applied to a young hickory, smooth and straight and symmetrical, which grew upon the summit of a bare dome-

like hill on his own farm. Charles Farr was a son of Daniel T. Farr who owned the Cox claim for a short time.

[122] The family of Colonel Cox remained for a time after his death upon the claim at Richland. The eldest son-in-law, John G. Nichols, was elected Sheriff of Jackson County in 1846. The second son-in-law, Joseph S. Mallard, was an attorney at Andrew, which had become the county seat. In the fall of 1847 the older son, Thomas, enlisted in Captain James M. Morgan's company of Iowa Mounted Volunteers to serve during the Mexican War. The company was assigned to duty at Fort Atkinson, in the Neutral Ground of Iowa, to take the place of Captain Senett's company of the First United States Dragoons which was sent to Mexico. Thomas Cox, Jr., was appointed a Corporal in the company; and in the removal of the Winnebago Indians to the Crow Wing Reservation in Northern Minnesota, which Captain Morgan's company accomplished in the summer of 1848, Corporal Cox had the honor of rendering very important service.

During that year the discovery of gold in California became known; and by the spring of 1849 the "gold fever" was raging in Jackson County in its most virulent form. Among the earliest of the migrants from that county was the family of Colonel Cox. It consisted of his widow, Mrs. Roba Cox; her married daughter, Mrs. Florida Nichols and her husband, John G. Nichols, late Sheriff of Jackson County, and three children; her married daughter, Mrs. Cordelia Mallard and husband, J. S. Mallard, and two children; her sons, Thomas and Simon B.; and her unmarried

daughters, Mary and Phoebe. In the same party were the Colonel's brother, John W. Cox and family, and other old time neighbors. They left the village of Andrew on the first day of May, 1849, for the long journey over the vast wilderness inhabited only by savages and wild beasts. Their mode of conveyance was by ox teams and covered wagons. They crossed the Missouri River at Trader's Point about six miles south of Council Bluffs and proceeded up the Platte Valley on the trail first used by the Mormons in their famous emigration of three years previous. This took them up the North Platte and Sweetwater rivers, over the South Pass of the Rocky Mountains and into Salt Lake City.

Here they stopped about three weeks to rest and recruit their stock and then, alarmed by reports of the fate of the Donner party of the previous year, they resolved, as advised by the Mormons, to take a southern route and strike the old Spanish pack trail leading to Southern California. This led them past the Mountain Meadows scene of the fiendish massacre of an emigrant train eight years later and over the Mojave Desert.

They reached the Cajon Pass just before New Year's Day, 1850, camped there for some weeks, and finally arrived at Los Angeles about the first of May, having been one year in making a journey which can now be accomplished in three days. There the family remained and assisted in making the obscure Mexican hamlet into the modern American city.

[123] George L. Mitchell, Iowa legislator of 1889, presided, and representatives were present from the Pio-

neer Lawmakers' Association, including Samuel W. Durham, member of the Constitutional Convention of 1844, Charles Aldrich of the Historical Department of Iowa, and John Wilson, an early Jackson County legislator. The flag was removed from the monolith by Mrs. Josie Warren Dorchester of Bellevue, daughter of Captain W. A. Warren, compatriot of Colonel Cox in the Bellevue War. A large collection of letters received from the Governor and other State officers from pioneer lawmakers, and from officers of The State Historical Society unite in commendation of the efforts put forth to preserve to future generations the memory of one who aided in the building of the State.

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